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**A GLOBAL STRUGGLE: NAMIBIAN NATIONALISM AND
SOUTH AFRICAN IMPERIALISM AT THE UNITED NATIONS,
1945-1960**

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Dedication

FOR MARTHA! THANK YOU FOR ALWAYS BELIEVING IN ME AND PUSHING
ME TO SUCCEED!

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Jason Matthew Morgan, Ph.D.

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“A Global Struggle,” examines the role that diplomacy, particularly at the United Nations, played in Namibian nationalist and South African imperial policy in the decades following the Second World War. My work is based on extensive archival research in Namibia, South Africa, the United Kingdom, Switzerland, and the United States. I argue that the creation of the United Nations out of the ashes of the League of Nations gave both Namibians and South Africans hope that they could shape Namibia into what they wanted it to be. Namibians wanted to end the League of Nations Mandate that had allowed South Africa to rule their country since 1920, and the South African government hoped to annex Namibia as the fifth province of the Union of South Africa. Namibian nationalists worked with the United Nations and other nations to prevent South Africa from gaining legal control of Namibia. Representatives of Namibian nationalists as early as 1947 began transforming the United Nations away from an institution concerned with maintaining empires into a burgeoning anti-colonial force that would hasten decolonization. South Africa, facing decreasing support from the United States and Great

Britain, desperately tried to reverse the rising tide of anti-colonial sentiment that was building at the United Nations. Both South Africans and Namibians viewed the United Nations as the center of the struggle over the future of Namibia. My project examines the strategies and actions of both groups as they tried to manipulate world opinion in their favor.

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INTRODUCTION

“A Global Struggle: Namibian Nationalism and South African Imperialism at the United Nations, 1945-1960,” examines the role that the UN played in the strategies of Namibians and South Africans in their plans for the future of Namibia. Namibians and South Africans viewed the United Nations as central to their strategies in gaining control over Namibia. Namibian nationalism developed in the crucible of international politics, and until independence in 1990, Namibians viewed international diplomacy as their primary weapon against South African rule. “A Global Struggle” is the first study to look in depth at Namibian and South African activities between 1945 and 1960. The Namibian issue was pivotal in helping transform the UN into an anti-colonial body. By the early 1950s, while the imperial powers tried to reconsolidate their empires, they had to confront the rising anti-colonial sentiment at the UN, which found its focus in Namibia. The actions of Namibians kept the issue before the UN and gave nations such as India ammunition to attack imperialism.

South African control of Namibia was formalized under a Mandate from the League of Nations. Upon the dissolution of the League in 1946, the role of the international community in Namibia, represented by the United Nations, was a contentious issue as South Africa and the UN both claimed sovereignty over Namibia. Between 1920, the year the mandate was conferred to South Africa, and 1990, South Africa ruled Namibia as an integral part of South Africa. South Africans moved into

Namibia, and when apartheid was instituted in South Africa in 1948, it quickly spread to Namibia.

As the United Nations began to take over the functions of the League of Nations, in particular the transferring of the mandates under the umbrella of the Trusteeship System overseen by the Fourth Committee of the UN, Namibia was the only mandated territory not to be turned over to UN supervision.¹ Instead of submitting a trusteeship agreement Jan Smuts, the Prime Minister of the Union of South Africa, attempted to annex Namibia into the Union of South Africa. For the next forty-five years, the United Nations and South Africa would wrestle over the future of Namibia. It was at this stage that Namibians began their long liberation struggle against South Africa at the United Nations. Between 1946 and 1990, the United Nations and its judicial branch, the International Court of Justice, played a prominent role in the plans of Namibian nationalists. Namibians utilized the UN to gain support for their cause and to isolate the South African government through forty-four long years of increasing South African domination. The South African government also viewed the UN as the place where it could win a decisive victory and incorporate the territory as a fifth province.

When describing the South West African People's Organization's (SWAPO) strategies against South Africa, Sam Nujoma wrote that SWAPO had "designed a three-pronged strategy: the political front, the diplomatic front and the armed liberation

¹ The Fourth Committee was also known as the Trusteeship Committee and was responsible for ushering the trusteeships towards independence. After the last trustee territory gained independence the Fourth Committee became the Special Political and Decolonization Committee and encouraged all dependent territories towards independence.

struggle.” He went on to describe the political front as “working with the Organization of African Unity (OAU), the Non-Aligned Movement, the UN, and of course with our people back home,” clearly demonstrating that international organizations and foreign policy played center stage in their struggle.² SWAPO’s strategy continued the earlier periods of Namibian struggle examined in this dissertation. Namibian nationalists, with help from sympathetic nations visited, petitioned, worked with, and influenced the United Nations until independence in 1990. Namibian nationalists also worked directly with nations around the globe, setting up offices on virtually every continent.

“A Global Struggle” is the first work to look in depth at how Namibians and South Africans planned and waged their campaigns at the United Nations. Each side viewed UN support as central to the future of Namibia. While “A Global Struggle” is primarily about the actions of South Africans and Namibians, it sheds light on how the debate over the future of Namibia influenced and was representative of the changes in the global order after the Second World War. I explore how Namibians and South Africans negotiated the changes that consumed the globe as each group tried to manipulate world opinion in its favor. Namibians and South Africans had to negotiate the global transformations that the end of the Second World War created. South Africa was unable to adapt to the changing world and by 1960, world opinion was firmly on the side of the Namibian people. Between 1945 and 1960, the world dominated by European empires

² Sam Nujoma, *Where Others Wavered: My Life in SWAPO and my participation in the liberation struggle of Namibia*, (London: Panaf Books, 2001), 123.

that Smuts grew up in was disintegrating. The Cold War rivalry between the United States and Soviet Union overshadowed the older imperial rivalries of the previous centuries, and both nations were outwardly anti-imperialist. The retreat from colonialism by the British in the late 1950s, along with increasing African nationalism and the anti-colonial stance of both the US and USSR, encouraged Namibians in their struggle. As European empires retreated, former colonial states began to express themselves globally through multiple international gatherings at Bandung, Cairo, Accra, and other places around the globe. By the 1950s, the “Third World” began to flex its muscles. Vijay Prashad in his history of the Third World, *The Darker Nations*, argues that the United Nations was the main institution from which the Third World expressed its power.³

“A Global Struggle” examines the initial period of Namibian activism and South Africa’s struggle at the United Nations. The immediate post war period provided the international atmosphere in which Namibian nationalism flourished. Tony Emmett in his study of Namibian nationalism argued that the work of Namibians at the United Nations in the 1940s and 1950s “would help to prepare the ground for the emergence of new types of resistance.”⁴ In the face of these global transformations, Namibian nationalists out maneuvered the Union of South Africa. Between 1946 and 1956, Namibians built a global network of support through the auspices of the Anglican cleric Michael Scott, and from 1956-1990 represented themselves at the United Nations. The South Africans were

³ Vijay Prashad, *The Darker Nations: A People’s History of the Third World*, (New York: The New Press, 2007), xvi.

⁴ Tony Emmet, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, (Basel: P. Schlettwein Publishing, 1999) 255.

less able to adapt to a changing world. The end of colonialism and the rise of the Third World put them on the defensive as they sought to extend their control over Namibia, while defending racial segregation and white rule. The one avenue where the South Africans felt they could maintain support from the West was to rely on South Africa's anti-communist credentials. The Union of South Africa was staunchly anti-communist and its strategic position at the southern tip of Africa was a pivotal bargaining position. Perhaps more importantly, the Union controlled massive uranium reserves within Namibia that South Africa leveraged to gain limited support from the US and Great Britain. Both the American and British public turned against the Union by the late 1950s and neither government was willing to openly support South Africa, but they were also afraid of completely alienating South Africa.

In the struggle for Namibia, 1960 was a pivotal turning point as conditions in Southern Africa and in the international atmosphere changed. By the end of 1960 Namibian nationalists had created two rival nationalist organizations, the South West African National Union (SWANU) and the South West African People's Organization (SWAPO). These organizations were dominated by young men, inspired by the campaigns of Hosea Kutako at the UN, and were ready to push a more militant agenda in order to secure independence. In the Union of South Africa, the long held desire of the Afrikaners came to fruition as the Union transformed into the Republic of South Africa and withdrew from the British Empire. After 1960, the South Africans became more obstinate in their refusal to work with the international community over the future of

Namibia. South Africa was unable to adapt to the new global reality that the rise of the Third World and anti-colonialism created. As the world moved away from empires and segregation, the South Africans increased their control of Namibia and built the system of apartheid in order to defend their white civilization from the African majority. In 1960, the struggle for Namibia also temporarily left the UN as Ethiopia and Liberia argued before the ICJ that the South African occupation of Namibia was illegal. This case coupled with the arrival of the “Year of Africa,” in which over a dozen African nations gained independence, transformed the United Nations fully into an anti-colonial body. The work of Michael Scott, Hosea Kutako, Tshekedi Khama, Sam Nujoma, Mburumba Kerina, Fanuel Kozonguizi, Hans Beukes, and many others’ efforts to transform the UN from an institution protecting empires into an anti-colonial force came to fruition. The South West African case was a defining issue for the Fourth Committee and the United Nations. Namibians from Hosea Kutako with the aid of Michael Smith in the 1940s to Sam Nujoma in the ensuing decades were able to take advantage of the opportunities that the United Nations offered them. “A Global Struggle” demonstrates that the United Nations was a powerful ally that Namibian nationalists were able to harness for their own ends. The UN in its issuance of the Universal Declaration of Human Rights in 1948 also gave Namibians the ammunition to turn the world against the South Africans. They were the first to speak up against the gross human rights violation that was apartheid, as the South African government would often try out its “native” policies in Namibia before they fully incorporated them at home.

Kutako and other Namibians were initially unable to approach the UN directly and had to get Michael Scott to represent the Herero people at the UN during the 1940s because the South African government would not allow Namibians to leave their country. In response to the refusal of South Africa to allow Namibians to travel, the United Nations eventually began issuing passports to Namibians that were recognized by most nations around the world. The UN was able to undermine the sovereignty of South Africa and its imperial possessions by creating a space for stateless people to travel and speak to the world.

The UN that Smuts helped design believed in the power of sovereign states working together to maintain world peace. Smuts and others viewed the UN as a peace keeping force that did not meddle in the affairs of its member states. For Namibians and other dispossessed peoples, the UN represented a forum in which they could seek restitution for their grievances. The Namibian case was pivotal in helping transform the UN from an institution that protected the interests and sovereignty of its members into an anti-colonial organization. In 1956, Namibians won the right to petition directly to the UN in order to shame South Africa into leaving the territory. The Human Rights Committee and later the Fourth Committee would use this precedent to allow others to come before the UN to accuse member states of wrongdoing. By the end of the 1950s the UN was well on its way to becoming a forum where stateless people and activists could attack states on issues from colonial rule to human rights violations.

Namibians were able to successfully exploit the opportunities that an international organization provided and through a combination of diplomacy, mass political mobilization, and an armed struggle, Namibia was able to win its independence. The last remnants of formal colonialism in Africa were situated in the southern region of the continent and the region became a key battleground during the Cold War. In Southern Africa Cold War rivalries often turned hot. Traditionally, studies of the end of colonialism in Southern Africa look at the fall of white rule as a battle between the East and West and relegate the role of Africans to that of bit players in a larger story. While nationalist historiography puts Africans into the limelight in the domestic sphere, it often ignores the way that international politics influenced events on the continent. Africans were involved in international organizations and global politics decades before they broke free from the shackles of colonialism. A new wave of historiography is putting Africans into the story, but they are often seen as reacting to rather than shaping imperial and global policy. This new historiography does an excellent job of showing how independent African nations helped push for decolonization in the rest of Africa, but still down plays the international component of African nationalist activities.

“A Global Struggle” contributes to the historiography of African decolonization, Namibia, South Africa, the United Nations, and international history. By examining the role that Namibians played in gaining international support and discrediting the South African government, I demonstrate that African liberation movements had a global outlook and were involved in diplomatic struggles around the world. Scholars have

written dozens of books on African decolonization that examine the political, military and social aspects of independence, but studies of the international aspects of decolonization are rare. One exception is *Voices from Tanganyika: Great Britain, the United Nations and the Decolonization of a Trust Territory, 1946-1961*, by Ullrich Lohrman. *Voices from Tanganyika* demonstrates how Tanganyikans exploited their status as a trustee territory in order to hasten the end of British rule. They utilized the same strategies as Namibians of petitioning and working with the Fourth Committee, but their status as a trust territory gave them the legal rights to do so. Namibians were not guaranteed the same access and had to fight for a seat at the international table.

My work is inspired by Matthew Connelly's book *A Diplomatic Revolution: Algeria's Fight for Independence and the Origin of the Post-Cold War Era*, which claims that the Algerians were able to manipulate world opinion and the rivalries of the Cold War to gain their independence. He claims that this manipulation set the stage for a "diplomatic revolution." This revolution supposedly created a new wave of diplomacy that demonstrated the power of the non-aligned movement and the way that the disenfranchised could access the halls of global power. However, while Connelly's work was groundbreaking, it does suffer from some key flaws. Algeria was not the first African nation to try to manipulate world opinion in its favor and most of *A Diplomatic Revolution* focuses on De Gaulle, Eisenhower, and Dulles, not the Algerians who agitated for independence.

Compared to the anti-colonial historiography of Zimbabwe, Kenya, and South Africa, Namibian historiography is just now coming into its own. During the liberation struggle, political scientists, legal scholars, and international relations theorists were fascinated by the struggle and wrote scores of books and articles on the subject. However, since independence the literature has tapered off. Those scholars who do study the liberation struggle have focused on either the military aspect or the social impact of the struggle and have only briefly alluded to the role that Namibians played internationally. Marion Wallace in her *History of Namibia* recognizes the importance that international politics played in Namibian liberation, but focuses on events within the country. Tony Emmet provides an almost encyclopedic account of the development of Namibian nationalism, but once again focuses on events at home rather than abroad. Political scientist Lauren Dobell whose book *SWAPO's Struggle for Namibia, 1960-1991: War by Other Means* investigates the role that the focus on diplomacy had on the formation of SWAPO, but does not discuss in detail the earlier period of international activism.

One scholar who does focus on the international aspect of the struggle is S.C. Saxena in his 1991 book, *Namibia and the World: The Story of the Birth of a Nation*. Saxena was attached to an NGO that supported Namibian independence in India, and his book, while giving a detailed overview of the international community's role in independence, is not an objective historical account. He focuses on the role that organizations like the UN and Commonwealth played in the granting of independence to

Namibia, while Namibians are presented as almost passive actors. During the 1960s and 1970s, dozens of works by political scientists, journalists, lawyers, historians, and activists were published in order to explain the Namibian situation to the international community and often were designed to influence political action.

One scholar who has begun to examine Namibia's liberation struggle in the international arena is Christopher Saunders. Saunders, a professor of history at the University of Cape Town, looks at the Namibian independence struggle through a South African lens. His two most important articles are, "The Role of the United Nations in the Independence of Namibia," in *History Compass*, and "The Transitions from Apartheid to Democracy in Namibia and South Africa in the Context of Decolonization," in the *Journal of Colonialism and Colonial History*. Both of these articles were written in the last ten years, look at South Africa as an imperial power, and argue that we need to reevaluate the way we look at the struggle for majority rule in South Africa and Namibia. The problem is that like Saxena, Saunders still looks at Namibians as playing a secondary role to the UN and Cold War rivalries.

Piero Gleijeses has also written about the role that international actors played in Namibia's liberation struggle. His article in *Cold War History*, "Cuba and The Independence of Namibia," and his book *Visions of Freedom: Havana, Washington, Pretoria, and the Struggle for Southern Africa, 1976-1991*, argue that the most important force in Namibia's quest for independence was the presence of Cuban forces in Angola. Without Cuban troops in Angola and the threat of them invading Namibia to aid SWAPO

the US would not have forced South Africa to the negotiating table in the 1980s. This argument is too simplistic and downplays the role of Namibians in the struggle. Cuban troops clearly played a role in US and South African decision-making, but their presence was not the most important factor in Namibia's drive for independence.

"A Global Struggle" builds on the work done by others and fills a necessary gap in the literature on Namibian independence. Namibians took control of their own struggle and South Africa's inability to deal with either Namibian activists or the changing global dynamics is an important story that needs to be told and has important ramifications. Literature on the UN also points to the 1960s as the moment in which the Afro-Asian bloc takes over the United Nations, but without issues such as South African control of Namibia to unify the "Third World" in the 1940s and 1950s the transition in the 1960s would have been harder. Africans, Latin Americans, and Asians had been working with Namibians for over a decade before they were thrust into the spotlight and had to work together on other issues. Namibia was discussed by the UN more than any other issue in its early history and hastened the transformation of the UN.

"A Global Struggle" is broken down into four chapters. The first chapter, "The Opening Salvo: The Fight Over Incorporation," examines the attempt by the Smuts administration to incorporate Namibia as a fifth province of the Union of South Africa. Smuts, one of the key architects of both the League of Nations and the United Nations, at the opening of the United Nations requested the UN's blessing for incorporation. He was stunned when newly independent nations like India rejected his plan and asked what the

opinion of the African population was towards incorporation. By 1947, Hosea Kutako, the head of the Herero in Namibia, was able to raise funds and send a representative to the UN to fight against incorporation. Kutako's campaign, along with support from India and other non-western nations, prevented Smuts from annexing Namibia. Smuts believed that the role of India in the debate over Namibia set a dangerous precedent for the future of the United Nations. Even with the support of the United States, Great Britain and France he was unable to legally annex Namibia and the UN began its transformation into an anti-colonial organization. Chapter One is an in depth look at the strategies used by both Kutako and the Smuts Administration in the opening sessions of the United Nations.

Chapter 2, "A New Atmosphere: The Nationalists Take Over," focuses on the changing strategies of the Malan government beginning in 1948. The Malan government criticized the Smuts administration for working with the UN, rather than just incorporating Namibia. The Malan administration was antagonistic towards the UN and fought the UN instead of trying to work with it. South Africa declared that the mandate had lapsed with the League of Nations and moved into a closer relationship with Namibia. Between apartheid and the refusal to negotiate, the UN effectively turned against the Union in 1948 and in 1949 invited the Reverend Michael Scott to speak for the Herero. Many observers of Scott's speech to the UN commented that the Namibian issue was not a legal issue, but a moral one. The Union up to 1990 would argue the legal issues over Namibia, but for many in the UN morality became the key concern over

Namibia. Scott continued to pressure the UN and the Malan administration succeeded in isolating itself from much of the world.

Chapter 3, “Opening the Floodgates: The International Court of Justice, Apartheid and the Right to Petition,” examines the role that the ICJ played in the Namibian issue and the struggle for Namibians to make themselves heard at the UN. The ICJ issued several important decisions on the Namibian issue in the 1950s. The first was to refute Malan’s claim that the mandate had lapsed and to assert that the Union had an obligation towards the UN over Namibia. One of the key obligations was to submit reports on their administration of the territory and to allow petitioners to send information to the UN. The Union refused to do either and throughout the 1950s became increasingly belligerent towards the UN. After a second hearing of Michael Scott, the Union briefly boycotted the UN. The US, Great Britain, Soviet Union, and France all discretely fought alongside South Africa to prevent petitioners from coming to the UN because they feared the precedent that would set. However, the General Assembly was able to overrule the Great Powers and an ICJ decision confirmed the legality of allowing petitioners to comment on the Namibian issue. The Human Rights Committee used the ICJ decision to allow petitioners to come before it in the 1960s. Throughout the 1950s, the Union became more entrenched in their refusal to acknowledge the rights of the UN to have a say in Namibia. The Union temporarily withdrew from the UN in 1956 because of the nature of the discussion over Namibia and the addition of apartheid on the General Assembly’s agenda. The ICJ decision opened the floodgates of petitioners. By the late

1950s Namibians were writing dozens of letters to the UN every year criticizing South African rule, in particular the implementation of apartheid, and began sending representatives directly to the UN.

The last chapter, “A New Approach, Massacre, Mobility, and Nationalism,” examines the attempt by the UN and South Africa to come to an agreement and two critical events in Namibian history that helped lead to the rise of broad based nationalist organizations such as SWAPO and SWANU, and destroyed any attempt at a reconciliation between the Union and the United Nations. The UN, realizing that a solution to the impasse over Namibia could not be reached if the Union did not participate in discussions decided to create The Good Offices Committee and use a new approach to the situation. The Good Offices Committee was made up of Great Britain, the United States, and Brazil and was permitted to entertain any solution to the problem. Union officials believed that the Good Offices Committee could create a chance to make progress until late 1959 when the discussions were wrecked by two South African actions. The arrival of Hans Beukes at the United Nations and the massacre of Namibians in Windhoek ended all hope of negotiations. Beukes was a Namibian student who had received a scholarship to study in Europe; however, the South African government revoked his passport. After losing his passport, Beukes became political and illegally traveled through Africa to Europe and eventually reached the United Nations. While in Europe, he gave speeches to packed audiences and his story would capture the attention of the United Nations. It also demonstrated the ability of the UN to ignore the

power of nations to control their borders. The Union was furious that both the UK and the US allowed Beukes to travel through their territories without proper documentation. Both nations replied that as members of the United Nations they could not prevent people from traveling to the UN. On December 10, 1959, South African police fired into a crowd in Windhoek killing eleven and wounding dozens in what became known as the Old Location Massacre. The massacre began because of the Union's plan to forcibly move the black population of Windhoek to Katutura, the new township outside of Windhoek. The Massacre also horrified the international community and demonstrated the brutality of the South African regime. Both the Old Location Massacre and Beukes greatly impacted the ability of Namibians to lobby the UN and demonstrated to Union officials that they were losing what little ability they had to influence world opinion.

"A Global Struggle" is based on research on three continents, in five countries, and a dozen cities. Piecing together the stories of stateless and dispossessed people from the archives can often be a challenge. The South African, American, and British governments keep thorough and detailed records, but the papers of individuals like Hosea Kutako, Hans Beukes, and Mburumba Kerina are harder to track down. By the 1960s SWANU and SWAPO had produced many reports, newsletters, and official communications to keep track of their global struggles, but in the earlier years we often have to rely on the official sources of the colonial government. The vast majority of my sources are from the South African National Archives in Pretoria, supplemented by the personal papers of Eric Louw at the Archive for Contemporary Affairs at the University

of the Free State, miscellaneous papers at the University of Witwatersrand and the National Archives of Namibia. The National Archives of the United Kingdom in Kew Gardens also contained a substantial amount of documents. From these sources, I was able to piece together the strategies of the various South African administrations and their relationships with the British government. The South Africans also kept detailed notes and files on Namibian activists and from their files along with the Michael Scott Collection at the University of Oxford, Kozonguizi's papers at the Basler Afrika Bibliographien in Basel, and smaller archives in both the United States and Southern Africa, the motivations and strategies of Namibians and their allies can be determined. Namibians and their supporters also published significant works to help explain the history of their struggle, which helped piece together areas where the archives were silent.

CHAPTER 1

THE OPENING SALVO: THE STRUGGLE OVER INCORPORATION

In April of 1945, representatives from fifty nations, spearheaded by the United States, Great Britain, and the Soviet Union, met in San Francisco, to create a new international organization to replace the defunct League of Nations. The soon to be victorious allies sought to create an organization that would prevent violent conflicts from consuming the globe. The end result of the meetings in San Francisco was the creation of the United Nations (UN). The diplomats who signed the UN Charter on June 26, 1945, believed they had created an organization that would replace the ineffectual League of Nations and ensure international cooperation. Four months later, on October 24, 1945, the United Nations was formally created when the United States, the United Kingdom, the Soviet Union, China, France, and most of the other signatories ratified the organization's charter.

The ratification of the Charter was a momentous step in setting up the United Nations for success. One of the key architects of the League of Nations, Woodrow Wilson, was unable to convince the United States Congress to ratify the Treaty of Versailles, which prevented the United States from joining the League. The League of Nations began with great hope, but its weakness and lack of universal international support, neither the United States nor Germany were founding members, helped lead to its downfall, a mistake the delegates at the San Francisco Conference did not want to

repeat. The architects of the United Nations wanted it to appear as if there was a clear break from the League. In distancing the UN from the League, the delegates hoped that people would forget the failures of the past and look towards the future with the UN maintaining the peace. Some did not believe that the UN was fundamentally different from the League. Leland Goodrich argued in 1947, that the UN was merely “a revised League, no doubt improved in some respects, possibly weaker in others, but nonetheless a League, a voluntary association of nations, carrying on largely in the League tradition and by the League methods.”⁵ Goodrich believed the UN could learn from the League’s successes and failures, and emerge as a stronger institution. He hoped that since the UN was so similar to the League that it could succeed where the League had ultimately failed.

In South West Africa, later renamed Namibia,⁶ the replacement of the League by the UN was closely watched. Following the First World War, the great powers granted the Union of South Africa, in large part for her help during the war, had received a mandate for German South West Africa. The granting of the mandate to South Africa fulfilled the expansionist aims of the South Africans who had wanted to expand northward for decades.⁷ The mandate also reinforced South Africa’s desire to move out

⁵ Leland Goodrich, “From League of Nations to United Nations,” *International Organization*, vol. 1, no.1, (Feb., 1947), 3-12, 21.

⁶ I will refer Namibia as South West Africa up until the official name change in 1968. I will refer to the African population in the country by the term Namibian and refer to the white population as South West Africans.

⁷ For a detailed analysis of South Africa’s expansionist designs see Ronald Hyam’s *Failure of South Africa Expansion, 1908-1948*

of the British shadow and gain greater autonomy.⁸ The Mandate System, created by the Treaty of Versailles was conceived in the ideas of self-determination and anti-imperialism embodied in Woodrow Wilson's 14 Points. One of Wilson's lasting legacies at Versailles was the creation of the League of Nations and the Mandate System. Wilson believed that the First World War was not fought for territorial gain, but to spread the benefits of self-determination and democracy and the addition of further colonies was discouraged. In Europe, this meant the breakup of the Austro-Hungarian and Ottoman Empires, the creation of an independent Poland, Czechoslovakia, Yugoslavia, Estonia, Latvia, Lithuania, Finland and a number of Balkan countries. However, the overseas colonies of Germany and the non-European territories of the Ottoman Empire were granted to the victorious allies to rule as "sacred trusts" of the international community.

When the League of Nations created the mandate system, it divided the territories of the German and Ottoman Empire into three classes of mandates. A, B, and C Mandates were created based on the how the Allies viewed the development of the populations within each territory. Territories, such as Iraq, were classified as Class A mandates and were deemed almost ready for independence. The League operated under the assumption that Class A mandates would be quickly shepherded to independence. The territories judged least able to govern themselves were labeled Class C Mandates. German South West Africa was considered a Class C territory. Denys Meyers, the Assistant Director of League of Nations News Bureau, described the Class C mandates in

⁸ Patricia Hayes, et al, eds. *Namibia under South African Rule: Mobility and Containment*, (Athens: Ohio University Press, 1998), 46.

1921 as “the lowest class of mandates, by which a territory is practically left within the national jurisdiction of a state.”⁹ Class C mandates were ruled by the mandatory power virtually as formal colonies, while the A and B Class mandates were given various levels of autonomy based on their supposed development.

Under the mandate, South Africa “ha[d] full power of administration and legislation over the territory” and a responsibility to “promote to the utmost the material and moral well-being and the social progress of the inhabitants.”¹⁰ From the very beginning of the mandate period, South Africa administered the territory as if it was part of South Africa. South African laws were instituted in South West Africa and South African settlers flowed into the sparsely populated territory, bringing both British and Afrikaner culture and values in to the country. They would also bring with them their prejudices and an insatiable desire for land. By 1925, 880 farms had been given to poor whites from the Union. The Smuts administration also created pass laws and African reserves much like those that existed in South Africa.¹¹ The territory’s close proximity to South Africa, as well as the port of Walvis Bay, which had always been ruled by South Africa, meant that the connections between the two entities were extremely close. In 1920, Smuts held a meeting in Windhoek and reassured the white population that the

⁹ Denys P. Myers, “The Mandate System of the League of Nations,” *Annals of the American Academy of Political and Social Science*, vol. 96, (July 1921), 74-77, 75

¹⁰ “Mandate for German South West Africa,” in *The Question of South-West Africa: Documents and Comments*, New Delhi: The Indian Society of International Law, 1966, pg 26-27.

¹¹ Marion Wallace, *A History of Namibia*, (New York: Columbia University Press, 2011), 218-221.

mandate was virtually the same as annexation. He promised that South Africa would administer the territory as if it was part of the Union.¹²

During the interwar years the Mandate Commission routinely criticized the Union's administration in South West Africa. Susan Pederson argues in "The Meaning of the Mandate System: An Argument" that the treatment of Namibians by the Union government during the interwar years had already convinced those who were paying attention that South Africa should not be allowed to incorporate the territory. The adoption of pass laws, the creation of native reserves, and the breakup of Namibian groups led many within the Mandate Commission to question whether South Africa was ruling in the best interest of the territory's population. She places the beginning of South African ostracism to the 1930s.¹³ However, while South Africa was criticized by the Mandates Commission the criticism was never severe enough to change South African policy in South West Africa.

From the mid 1880s until the South African conquest, South West Africa had been ruled by a series of brutal German colonial administrations. The German occupation of Namibia was one of the most horrific in Africa. The African population was pushed to the side and those who resisted were annihilated. The Herero in particular were almost completely destroyed as the German Army went on a genocidal campaign to punish them for rebelling. The Herero were eventually defeated, and thousands died in

¹² Cape Times, 18 September 1920.

¹³ Susan Pederson, "The Meaning of the Mandate System: An Argument," *Geschichte und Gesellschaft*, 32, (Oct-Dec 2006), 560-582, pg. 578.

the Kalahari as they fled to Botswana, separating their people into two groups. The German colonial administration also encouraged rebellion and strife in South Africa and actively supported the Boers during the South African War. By the time of the First World War, the people of Namibia were suffering under the lash as the German population tried to make the colony profitable. When war broke out, a South African column swept into the territory and, with the help of the Namibian population quickly defeated German forces in the region. The Namibians initially welcomed Union forces as liberators.

The Union government had always sought to expand its influence in southern Africa and after defeating the German forces in South West Africa, began to administer the territory with the hope of annexing it into the Union. Their hopes were dashed at the Paris Peace Conference in 1919 as the victorious Allies decided to create the mandate system. Throughout the 1920s and 1930s, South Africa would administer the territory as a “trust of civilization.” The mandate system required the South African government to provide yearly reports on the progress made in the territory. It also created a procedure for the inhabitants of the mandates to petition the League if the spirit of the mandate were violated, but the right to petition was a little used practice, as the right to petition had to be carried out through the mandatory power. The territory of South West Africa was granted to South Africa to administer as a sacred trust for the League, and was not officially a part of the Union. When the League of Nations began to crumble during the

Second World War, the South African government immediately tried to end the international community's control of Namibia.

By early 1945, South Africa, under the leadership of Field Marshall Jan Smuts' United Party, began calling for an end to the mandate under which South Africa ruled Namibia. In a speech to the South African parliament in March 1945, Smuts expressed doubts that the mandate system would last. He advised parliament that South Africa should move with a unified voice to see that Union interests were protected when the League and the Mandate system fell apart. The push for incorporation was celebrated in *The Windhoek Advertiser*, the only English language newspaper in South West Africa. The editors of the *Advertiser* believed "that the best solution would be to abolish the Mandate system, and to include South West¹⁴ in the Union of South Africa."¹⁵ As the world gathered in San Francisco in April 1945, South Africa came with a plan to end the Mandate System and incorporate South West Africa into the Union of South Africa.

When Smuts and his delegation arrived at the San Francisco conference, they immediately began to work on getting international approval for the incorporation of South West Africa into the Union. Jan Smuts, one of the few statesmen to be instrumental in the founding of both the League of Nations and the United Nations, had immense political capital at his disposal. He believed that his position as an international statesman and prime minister of South Africa would allow him to bring Namibia firmly into South Africa. However, as the international climate shifted during the Second

¹⁴ Whites in South West Africa referred to the territory as simply South West.

¹⁵ "Off to San Francisco," *The Windhoek Advertiser*, March 24, 1945, pg. 1.

World War, his belief in the British imperial system became outdated. The failure of the League of Nations to prevent another catastrophic war coupled with the rise of both the United States and the Soviet Union as the dominant forces in the world spelled the end of the British Empire's influence over world politics. The USSR and the US were both ideologically anti-imperialist nations and were unwilling to overtly support a white-dominated South Africa's desire to incorporate Namibia. Jan Smuts' belief in a world best governed by the ties of empire would not help him in the new world order that was emerging in San Francisco.

Smuts' plan in San Francisco was quickly dashed, as the delegates at the conference were more concerned with creating the United Nations than on deciding the future of independent mandates or nations. The South African delegation was told that issues of particular territories were not going to be discussed in San Francisco and that he should wait until the next conference to push for incorporation. In order to set the stage for the next conference, the Union representatives issued a statement declaring that

The delegation of the Union of South Africa has raised the issue of the inapplicability of the mandate system to South West Africa and has given the San Francisco Conference notice of its intention to claim at a later peace conference, when territorial questions are discussed, that its mandate over the territory be terminated and that it be incorporated as part of the Union of South Africa.¹⁶

In a document circulated at the San Francisco Conference, Smuts laid out his reasons for Union incorporation of South West Africa. His argument focused on the following issues: that "the Union of South Africa has governed and administered the territory as an

¹⁶ "South West Africa Mandate: Information Office: South African Delegation, San Francisco, 7 May 1945," BTS 1/18/59, volume 1, National Archives of South Africa (NASA).

integral part of its own territory and has promoted to the utmost the material and moral well-being and the social progress of the inhabitants,” that “it is geographically and strategically a part of the Union of South Africa, and in World War No. 1 a rebellion in the Union was fomented from it, and an attack launched against the Union,” and that “there is no prospect of the territory ever existing as a separate state, and the ultimate objective of the mandatory principle is therefore impossible of achievement.”¹⁷

After realizing that they had a lot of work to do to convince the world at the first session of the UN, the delegation moved to influencing the development of the UN. Smuts was more than capable of steering the direction of the UN because he had been appointed Secretary General of the General Assembly. According to historian Mark Mazower, Smuts’ desire to maintain the status of the British Empire in the world was paramount in his view of the United Nations. He believed that he was creating a UN that “could safeguard the peace and create the conditions for European values to be globalized.”¹⁸ Smuts, who ruled a segregated settler outpost in South Africa, wrote the inspiring preamble to the UN Charter. He could speak of equality and human dignity and not see the hypocrisy of his own rule in South Africa. Smuts believed that the only way that non-whites could “progress” was the white stewardship. His UN was one that protected empire and continued the civilizing mission. The UN that emerged from San

¹⁷ Ibid.

¹⁸ Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*, Princeton: Princeton University Press, 2009, 65.

Francisco was quite different from the one Smuts imagined. Rather than being a place to preserve empire, it quickly became a forum to discuss the end of colonialism.

The Windhoek Advertiser saw Smuts' inability to convince the allies at San Francisco as a major blow to his plans for incorporation. While it supported incorporation, the paper wrote in August 1945 that incorporation would probably take a long time and that people needed to be patient as South Africa tried to convince the world that annexation was the best option for South West Africa. The writer accurately pointed out that annexation would be a hard sell as South Africa had asked for "an existing mandated territory to be turned into a colonial possession," which went against the anti-colonial sentiment sweeping the world.¹⁹

In both South Africa and South West Africa, the white population overwhelmingly supported formal incorporation of the territory into South Africa. In June 1945, J. Orman, a white South West African, wrote to *The Windhoek Advertiser* that all South West Africans believed that the territory should be incorporated into the Union sooner rather than later. Orman feared that "South West Africa may be a football in the game for Iwo Jima or some far off island" and that "it is essential for us therefore to face this issue and show the world that we as a community are undivided in our support" of incorporation.²⁰ He was afraid that the issue of the territory would be overshadowed by the growing rivalry between the United States and the Soviet Union. In South West Africa, *The Windhoek Advertiser* was so sure of incorporation that it wrote, "we can take

¹⁹ "The Mandate," *The Windhoek Advertiser*, 15 August 1945.

²⁰ Correspondence, *Windhoek Advertiser*, 13 June 1945.

for granted that the mandate will be abolished and that this territory will be formally annexed to the Union.” The paper suggested that the territory work closely with the Union to guarantee that the incorporation of the territory would go smoothly and benefit both the Union and South West Africa.²¹

In this spirit of cooperation, Smuts met with Petrus Hoogenhout, the Administer of South West Africa, to discuss the future the territory. At that meeting Smuts told Hoogenhout that “the Union [was] entitled to administer the territory as an integral portion of the Union and this [was] virtually incorporation. If we retain the present position we are safe. We cannot cancel the Mandate without cancelling the rights with regard to the Territory that we now enjoy.”²² Smuts was reassuring Hoogenhout that even if South Africa was not able to incorporate the territory, nothing would change as long as the Union was not forced to place South West Africa under the UN’s trusteeship system.

During the summer and fall after the San Francisco conference, the South African government began to plan for the incorporation of South West Africa. Smuts’ administration decided that

whatever the exact legal position is, . . . it seems to us that we cannot escape a moral obligation to submit the question of S.W.A’s incorporation to the approval of a United Nations body. We would urge, therefore that in meantime you go

²¹ “Thoughts on the Future of South West,” *Windhoek Advertiser*, 30 June 1945.

²² Discussions between South West Africa and Prime Minister, 10 September 1945, BTS 1/18/59, volume 1, NASA.

ahead with the preparation of the Union's Government's case for incorporation."²³

The Union government realized that it could not move forward on the issue of incorporation without convincing the United Nations that incorporation would be best for everyone involved.

The Smuts administration came up with two options to convince the world that incorporation should move forward. The first strategy would be to bypass the newly formed United Nations and convince the League of Nations at its final meeting to terminate the mandate and allow for incorporation before the League transferred their authority to the UN. Smuts and his staff foresaw a few problems with this strategy. One of the biggest would be that bypassing the UN would lower their standing at the UN by evading it so soon after its inception. Smuts was concerned that they would not be able to gain unanimity, which was necessary in order to change the mandate, because the Soviet Union would ask Czechoslovakia or Yugoslavia to block the motion. Their other option would be to approach both the League and the UN. By informing the League of their intention to incorporate South West Africa, and obtaining permission from the UN, they would avoid both the unanimity clause in the League and avoid alienating the UN. If the Union could convince the United States to support the move then it could get the

²³ Telegram from High Commissioner, London to Minister of External Affairs, 15 October 1945, BTS 1/58/59, volume 1, NASA.

two-thirds majority in the UN necessary to end the mandate and incorporate the territory.²⁴

By December 1945, the South African strategy was based on the assumption that a Yugoslavian proposal that all mandatory powers promise to submit their mandates to the trusteeship system would pass in the UN. The Yugoslavian proposal requested that all mandates be transferred to the Trusteeship Council at the opening stages of the United Nations. Most delegations believed that forcing mandates into a trustee agreement would be the best course of action, even though both Britain and France were hesitant about promising to turn the mandates over to the UN before the final meeting of the League. The Union government, however, was unwilling to enter into any agreement with the UN that did not lead to incorporation. South Africa refused to consider turning over South West Africa to the United Nations.²⁵

The Smuts government believed that it could avoid entering into a trusteeship only if it was able to demonstrate that Namibians clearly desired incorporation. Even before the first meeting of the General Assembly, the South Africans knew incorporation would be a hard sell. Smuts knew that Union officials would have to overcome the increasingly hostile world opinion regarding South African racial policies as well as the general anti-colonial sentiment around the world. The South African High Commissioner

²⁴ Letter to the Secretary of External Affairs from Nichols, 30 October 1945, BTS 1/18/59, volume 1, NASA.

²⁵ Telegram from Secretary of External Affairs to High Commissioner, 6 December 1945, BTS 1/18/59, volume 1, NASA.

in London laid out the root of the problem in a letter to the Secretary of External Affairs.

He claimed that

there is really widespread ignorance as to the nature of colonial administration. Out of 51 countries represented here, not more than a dozen have any conception of the practical difficulties of the problems involved and anti-colonial prejudice based on distortion of the facts and an academic and superficial study of the subject is very deep seated indeed. In the course of our discussions, time and again we run up against all sorts of innuendoes based on the conviction that the primary objective of the administering authority is to exploit the local population as far as this is possible without shocking world opinion. We have to cope with the anti-colonial empire prejudices of the Americans, the desire of countries like India or the Philippines to aid what they regard as the legitimate aspirations of all subject peoples to self government, the anxiety of the Arab States similarly to give this thesis every support, the indifference of the South Americans, who only want to side with the majority, and the ambitions of the Russians to secure a finger in every trusteeship pie (All this constitutes a formidable combination of ignorance, prejudice, apathy and opposing interests.²⁶

The South Africans had to move fast, because the UN planned on having all mandated territories submitted to the Trustee System by 1947.²⁷

If the plan for incorporation failed, the South Africans decided that they could utilize a loophole in the trusteeship system that allowed mandates to be retained as territories by the mandatory power if they were classified by the Security Council as a strategic area. Union officials would accept the territory as a strategic area if the bid for incorporation failed.²⁸ The South African Chief of the General Staff argued that “the defence of South West Africa and it’s (sic) incorporation into the Union are as vital to the

²⁶ Telegram from High Commissioner, London to Secretary of External Affairs, 15 December 1945, BTS 1/18/59, volume 1, NASA.

²⁷ Telegram From High Commissioner, London to Secretary for External Affairs, 22 December 1945, BTS 1/18/59, volume 1, NASA.

²⁸ Telegram from Minister of External Affairs to High Commissioner London, 28 December 1945, BTS 1/18/59, volume 1, NASA.

defence of Southern Africa as is the control of say the Eastern or Western sea boards of North America to the United States” and that the Mandate’s prohibition against arming the territory was a major strategic weakness for the Union.²⁹

In the spring and summer of 1946, the South African government approached the British in an effort to convince them that incorporating South West Africa was the best possible option for the territory. In meetings held with the Commonwealth Ministers in February of 1946, the ministers of India and New Zealand informed the Union that they believed that the UN Charter obligated the mandatory powers to convert their mandated territories into Trusteeships.³⁰ The South Africans also began consulting the Namibians within the territory so that they could demonstrate that the entire population, both black and white, supported incorporation. According to a poll in September of 1945, almost 75 percent of South Africans supported incorporating South West Africa into the Union, demonstrating to Smuts that incorporation was popular in both nations.³¹ Many of the South Africans who opposed incorporation did so because they were afraid of the number of “Nazis” in the territory.³² Even though roughly 90 percent of whites in SWA agreed with incorporation, some feared that incorporation into the Union would be detrimental

²⁹ Letter from Chief of General Staff to Secretary for External Affairs, 27 November 1945, BTS 1/18/59, volume 1, NASA.

³⁰ Telegram from High Commissioner to Secretary for External Affairs, 26 February 1946, BTS 1/18/15/3, NASA.

³¹ The support of incorporation in South Africa was only among the white population. The African population of the Union was not consulted.

³² “Items of interest,” *The Windhoek Advertiser*, 24 October 1945.

for the Namibian population and that it should not be done without consulting them.³³ They also feared that they would lose some of their economic advantages with the South African government particularly in the trading of Karakul wool, which was allowed only in South West Africa. The opposition to incorporation was muted and the Smuts administration was able to arrive at the first meeting of the UN with the firm backing from the white populations of the Union and South West Africa regarding incorporation.

The opening session of the United Nations in the spring of 1946 were designed to implement the Charter and to figure out how the organization would operate. However, the meeting soon turned into a general discussion of world events. At the first meeting of the Trusteeship Council, the question of South West Africa came up. H.T. Andrews, a Union delegate, reported that while the committee was “not unfriendly” it was not “sympathetic to our South West African intentions,” and that the “prevailing wave against ‘Imperial-colonialism’” at the San Francisco Conference had transferred to the UN. Andrews noted that the Union would have to work very hard to ensure international support for incorporation before the UN met again in September.³⁴

Over the next few months, Smuts took Andrews’ advice and worked behind the scenes to ensure international support. When the UN met again in September 1946, Smuts arrived believing that the formal annexation of South West Africa in the Union was a foregone conclusion. He had been assured that the British would support his annexation bid and that it was only a matter of time before the issue was resolved in his

³³ “Letter to the Editor,” *The Windhoek Advertiser*, 28 November 1945.

³⁴ H.T. Andrews to Secretary for External Affairs, 21 March 1946, BTS 1/18/59, volume 3, NASA.

favor. The British, unlike many around world, believed that South Africa had ruled in the spirit of the mandate in a “truly commendable character.”³⁵ The British cabinet thought that the sweep of the United Party in South West Africa against the Nationalist was “an endorsement of General Smuts’ war policy, and of his intention, announced at San Francisco, to apply for the termination of the mandate and the incorporation of the territory of the Union.”³⁶ At a meeting of the Commonwealth Prime Ministers in May of 1946, the British assured Smuts that as long as the Union could demonstrate that incorporation was the will of the inhabitants, then the British would support incorporation. The British minister also told Smuts that the Union had already convinced him that the majority of people supported incorporation.³⁷ British documents support this as the a British Cabinet document before the ministers meeting recommended that

- (1) We should press Field-Marshal Smuts to accept our draft Trusteeship Agreements for Tanganyika, Togoland and the Cameroons.
- (2) We should be prepared to intimate our readiness in principle to support the South African Government in their proposed application to the United Nations in regard to South-West Africa.
- (3) We should do what we can to secure the support of the Canadian, Australian and New Zealand Governments in the South African Government’s policy in regard to South-West Africa, or, at least, their agreement not to oppose that policy at the United Nations General Assembly.³⁸

The British Cabinet was worried that if they did not support the incorporation of the territory into the Union then it would strengthen the Nationalist Party in South Africa,

³⁵ Top Secret Cabinet Document, 25 September 1945, CAB/129/2, National Archives of Great Britain (PRO)

³⁶ Cabinet Report for the Month of May 1945, 25 June 1945, CAB 66/66/47, PRO.

³⁷ Telegram from High Commissioner to Secretary for External Affairs, BTS 1/18/59, volume 3, NASA.

³⁸ British Cabinet document for a meeting with dominion heads, report of May 13 1946 meeting, published May 15, DO 35/1937, UK National Archives

which was calling for South Africa to weaken its relationship with the Crown.³⁹ The Secretary for Dominion Affairs also reinforced this message at the end of July, stating categorically that if the inhabitants of South West Africa supported incorporation then so would Great Britain.⁴⁰

On September 9, the South Africans received good news from the Australians as they were also willing to support the Union in the UN, after they were non-committal at the Prime Ministers conference in July.⁴¹ The meetings of the heads of the Dominions convinced Smuts that he would be able to push through his plan for incorporation with little worry. The only hold-out came from the New Zealand delegation, which argued that all the mandates must be turned over to the trusteeship council. The only stipulation was that South Africa must obtain the approval of the population of the territory in order for incorporation to be pulled off. The South Africans were convinced that they had accomplished this task by the end of the summer of 1946.

Smuts believed that the vast majority of the African and European populations of Namibia had expressed their desire to be incorporated into the Union and his government was busy preparing a detailed report to demonstrate support for incorporation to the United Nations. In this report the South Africans were not only trying to demonstrate that the African population supported incorporation, but that they were also better off in

³⁹ Extract from the Conclusions of the 45th meeting of the Cabinet, May 13 1946, DO 35/1937, UK National Archives.

⁴⁰ Telegram from Secretary of State for Dominion Affairs to Minister of External Affairs, 22 July 1946, BTS 1/18/59, Volume 4, NASA.

⁴¹ Telegram from Secretary for External Affairs to Legations in Paris and London, 9 September 1945, BTS 1/18/59, volume 4, NASA.

1946 than they were when South Africa acquired the mandate. The consultation with the Africa population over incorporation would be the lynch pin over whether or not the territory could legitimately be incorporated. In their consultation, the South Africans were overwhelmingly told by the headmen representing the African populations that they supported South African rule. The one major exception was a small isolated African group called the Hereros. The Herero once dominated the central region of Namibia until they were virtually wiped out in a genocidal war by the Germans. During the period of South African rule, they were kept in the small isolated settlements that the Germans had driven them into. Throughout the mandatory period, the Herero continuously asked for their land to be returned to them, and after decades of South African intransigence, they were unwilling to support continued South African occupation.

At the end of 1945, a meeting between the South West African administrators and the Herero took place and the South West African administrators expressed the possibility that the Herero could receive more land.⁴² However, nothing came of these talks as the Smuts' administration was unwilling to even discuss returning land to the Herero. Once Smuts heard of the meeting he quickly had a message sent to Hoogenhout telling him that while he

clearly indicated to the headmen in question that you could make no promises that they would be allotted land requested by them either in the Doakoveld, or the Waterberg (or both), or elsewhere, the discussions indicate fairly clearly that the Administration would go a long way to meet their wishes. Difficulties might, therefore, well arise should it later not be found possible to concede any request that these natives may make and failure to grant any such requests might well

⁴²Minutes of Conference held with Herero, 7 November 1945, BTS 1/18/59, volume 1, NASA.

have an important influence upon the attitude of the natives, particularly the Ova-Herero, towards the incorporation question. In these circumstance, and generally, the Prime Minister thinks that it might have been wiser to consult the Union Government with regard to the scheme outlined in the Minutes as a whole, before the discussions took place.⁴³

Smuts was correct in assuming that the promise of land and then the lack of action on the issue would prevent the Herero from supporting incorporation. Throughout their discussions in 1946, the Herero, led by Hosea Kutako, continually refused to support any South African action that did not lead to return of their land.

In planning the consultation, Hoogenhout, the Secretary for South West Africa, recommended that the South African Administrations approach the Ovambos first because Hoogenhout believed that the Ovambos would support incorporation “provided that the present system of tribal control, which has been in force for many years in the Northern Native Territories, remains unaltered.”⁴⁴ Only after the Administration had received Ovambo support would it approach the Herero. Hoogenhout believed that if the administration gave the Herero a system of self-rule similar to the Ovambos then the Hereros would support incorporation. He believed that if the Hereros agreed then so would the Damaras and other smaller groups.⁴⁵ In January of 1946, the territorial administrators approached the Ovambos and were able to gain the support of their appointed headmen.

⁴³ Letter from Forsyth to SWA Administrator, 26 November 1945, BTS 1/18/59, volume 1, NASA

⁴⁴ Letter from Hoogenhout to Forsyth, 27 October 1945, BTS 1/18/59, volume 1, NASA.

⁴⁵ Ibid.

The South Africans wanted to finish their consultations with the Nama and Herero by early February, so they could spend the next few months planning their strategy and report to the UN.⁴⁶ During their meetings with the Herero, the Native Administrator and Major Hahn, the native commissioner in Ovamboland, told the Herero that the Ovambos had already been consulted and that they overwhelmingly “expressed their desire to become part of the Union of South Africa, and to remain under its Flag,” and that the Herero should do the same.⁴⁷ Union officials explained all of the supposed benefits that the Herero have received under the control of the Union. Hahn also emphasized that the Union unlike the Germans had not sought to destroy the Herero and instead had helped them over the past couple of decades. The Herero rejected the South African proposal and refused to accept the plan for incorporation. The wording of the referendum on incorporation was ambiguous and the Ovambos to later claimed that they were misled by the Union government, and that they did not support incorporation. In the presentation to the Namibian people, the Chief Native Commissioner told them that “if South West Africa becomes part of the Union, it will, as I have just made clear, become and remain part of the territories of the King and be included in the family of British nations under the King.”⁴⁸ This wording led many Namibians to believe that they were voting to become part of the United Kingdom, not join the Union of South Africa. He also told them “that there [was] no question of the Union Government leaving this territory” and

⁴⁶ Letter from Botha to Native Commissioner, 21 January 1946, BTS 1/18/59 volume 3, NASA.

⁴⁷ Transcript of speech for Consultations with Hereros, 1/18/59, volume 3, NASA.

⁴⁸ Notes for Administrator’s Speech to the Hereros, 5 March 1946, BTS 1/18/59, NASA.

that they were only being consulted as a matter of courtesy.⁴⁹ Hosea Kutako and the Herero refused to accept this explanation. Kutako told the Administrator and Hahn that since they were asking that the mandate be removed then the nations of the world who had an interest in the mandate should be present. He said these nations should be neutral witnesses to their reply and that without them present they did not believe that their views would be accurately represented. The Union officials refused this request arguing that “South West Africa [was] still administered by the Union and it cannot deal with foreign powers” and that “the Territory ha[d] no international status. The Union must speak for it.”⁵⁰ This statement of course was a blatant lie as the territory definitely had a international status and the UN wanted the Namibian population to clearly state whether they supported incorporation.

After consultations among themselves on March 6th, the Herero once again met with Union officials and told them that “We reckon that if the Territory is incorporated into the Union, our land will never be returned to us. We fear that we would then receive no consideration. We do not want the Territory to be incorporated and it is our wish that our land should be returned to us.”⁵¹ The Herero throughout the late 1940s would oppose incorporation on the grounds that the Union Government continually refused to allow the ten thousand Herero in Botswana to join them in Namibia or to return their land

⁴⁹ Ibid.

⁵⁰ Minutes of meeting with Herero Headmen, held at the Government Buildings, Windhoek, at 3 p.m. on Tuesday, 5th March, 1946,” BTS 1/18/59, Volume 3, NASA.

⁵¹ After advice had been received that the Headmen were ready to give their reply , the Meeting resumed at 2.30 P.M. on Wednesday, 6th March, 1946,” BTS 1/18/59 Volume 3, NASA.

to them. Hosea Kutako, the Herero leader in Namibia, would emerge in the following years as one of the key antagonists to the South African government. Kutako's struggle would be described in SWAPO's official history as the key link between earlier anti-imperial struggles in Namibia and the advent of the modern nationalistic struggle.⁵² When he realized that the Herero protest in March of 1946 would not prevent the South Africans from pushing forward with incorporation, Kutako requested that he be allowed to accompany the Union delegation. His request was denied by the Union and he was told that only "heads of countries had been invited."⁵³ In a letter to Frederick Maherero, the Herero Paramount Chief exiled in Botswana, one Herero Chief wrote that "the white people here say that the country must be joined to the Union, but we said that it could not be joined to the Union but should be given to us as it is ours," and that they needed him to return to help the Herero in their struggle.⁵⁴ As a result of the refusal of the South African Government to honor the wishes of the Herero, Frederick Maherero turned to Tshekedi Khama, a leading African in Botswana. The Herero did not trust that the South African government would accurately portray their views to the UN and so on March 19th, Festus Kandjou, a young chief and advisor to Kutako, sent a telegram directly to the United Nations. In this telegram he said that the Herero did not want to be incorporated into the Union and instead wished to be transferred to Great Britain as a trustee

⁵² SWAPO of Namibia, *To Be Born a Nation: The Liberation Struggle for Namibia*, (London: Zed Press), 1981, 167.

⁵³ Telegram from Secretary General of SWA to Primse, 20 August 1946, BTS 1/18/59, volume 4, NASA.

⁵⁴ Letter to Chief F.S. Maherero from Alfeus Kareja, 14 March 1946, DO 35/1938, UK National Archives.

territory.⁵⁵ Kandjou was described by the Secretary of South West Africa as “one of the cleverest of the Hereros and one of their best speakers,” and a man that could cause problems for the Administration as he was believed to have taken part in a rebellion in Rehoboth.⁵⁶ Kutako and Kandjou would meet with Hahn and other administrators once again in July to discuss the problems affecting the Herero, namely the lack of food and land. They also told the Union officials to stop asking them to change their minds about incorporation. Kandjou and Kutako reiterated that they were against incorporation and that Kutako should be allowed to travel to the UN to express their desires to become independent. Hahn tried to reassure them that their views were being transmitted to the UN and that it would be impossible for Kutako to join the delegation.⁵⁷ While, the South African government did follow through on their promise to tell the UN that the Herero were opposed to incorporation, they also painted the Herero as a minor tribe that was out of touch with the rest of the African population.

Fearing that their telegram to the UN had not been received, a number of South West Africans including Kutako and Kandjou signed a letter written by F. Kazombizae from Windhoek to the Communist Party of South Africa asking for help. They asked the Party if it would help them send someone to the UN because “the Africans of South West Africa as a whole are not in favour of being incorporated and subjected to the Boer rule

⁵⁵ Telegram from Festus Kandjou to UN, 19 March 1946, BTS 1/18/59, NASA.

⁵⁶ Letter to Secretary for External Affairs from Secretary for South West Africa, 12 August 1946, BTS 1/18/59, volume 4, NASA.

⁵⁷ Meeting with Hereros and Bechuanas at Aminuis Reserve, 19 July 1946, BTS 1/18/59 volume 4, NASA.

of prejudice and colour bar,” (underlining in original).⁵⁸ Kutako and the other Herero appealed to one of the few organizations within South Africa that they believed would help. However, the seizure of this letter in a police raid of Communist Party offices in October of 1946, allowed the South Africans to begin to portray Namibian nationalists as Communist agents at worst and sympathizers at best. The South Africans tried to portray Kutako in this way, even though the courts ordered that the letter be returned since it was seized in an illegal raid and could not be made public. When this letter came to light, the Union government warned its Washington legation about the Herero telegram and said that they “represent [an] unimportant group and [any] status they claim for themselves is therefore gross exaggeration.”⁵⁹

The Herero made up about 10% of the African population of South West Africa, but they were the best known Namibian group in South West Africa. The British had published a report, widely reading in the 1920s, on the German atrocities during the Herero Revolt. So when their protest of ill treatment by the South African administration reached the UN, it found a sympathetic hearing, particularly considering that the South Africans used the German genocide of the Herero to make their rule seem more humane. John Naser, the Secretary for South West Africa, complained to Smuts that the Herero acted “haughty” and that “no gratitude whatsoever was expressed for the many benefits

⁵⁸ Annex to a Letter from South African Police to Chief Native Commissioner, 18 October, 1946, BTS 1/18/59, volume 5, NASA.

⁵⁹ Telegram from Secretary for External Affairs to S.A. Legation in Washington D.C., 27 November 1946, BTS 1/18/59, volume 5, NASA.

bestowed on them” by the Union.⁶⁰ In the official report to the UN outlining the South African claim for incorporation, the Union argued that 208,850 Africans supported incorporation while only 33,520 were opposed. Almost everyone that opposed incorporation were Herero “due to the traditional grievance of the Hereros that their country was not returned to them after the defeat of Germany,” and that they opposed anything which did not give them their land back.⁶¹

During the consultation with the African population, the South African government received word that Tshekedi Khama was trying to come to London to convince the British to oppose the incorporation of South West Africa.⁶² The intervention of Khama into the issue caused much consternation for Union officials. They had just begun their campaign to convince the world that incorporation was the best thing for everyone in the Territory and Khama could ruin their plans. Khama and the other Chiefs of Bechuanaland eventually published a twenty-two page memorandum on the dangers of allowing South West Africa to be subsumed by the Union. The memo demanded that Great Britain take over the mandate for South West Africa in order to prevent the territory from forever falling into the racist hands of the South African government. Khama believed that if South West Africa was incorporated then it was only a matter of time before the High Commission Territories of Botswana, Lesotho and Swaziland were also taken over by the Union. The memo also argued that the Chiefs of

⁶⁰ Letter from Naser to Private Secretary of the Prime Minister, 19 March 1946, BTS 1/18/59, volume 1, NASA.

⁶¹ UN Document A/123, 19 October 1946, BTS 1/18/59, volume 6, NASA.

⁶² Letter to Smuts from Forsyth, 31 July 1946, BTS 1/18/59, volume 4, NASA.

the territory had a vested interest in the issue of incorporation because of the ten thousand Herero exiles in the territory who wanted to be reunited with their countrymen, but were prohibited to move back to South West Africa by the Union.⁶³

Khama was also concerned with the plight of the Herero living in Botswana. Since the German-Herero War thousands of Herero under Paramount Chief Frederick Maherero had lived as exiles in Botswana. Besides the unwillingness of the Union government to return Herero land, they also refused to allow Maherero and the rest of the Hereros back into Namibia. In February of 1946, J.G.U. Katjerungu sent a letter to Maherero stating that he needs to return home to help fight against incorporation or "the heritage of your father's orphans is about to be taken from them and because we cannot speak with one voice as we are scattered all over the country our heritage may therefore fall to that side for which we have no liking."⁶⁴ Maherero shared this letter with Khama and asked him to intervene on his behalf. The plight of the Hereros coupled with his fear of South African expansion led to Khama's campaign against incorporation. Historian Michael Crowder would later argue that the UN's refusal to accept incorporation in "December 1946 owes much to the year-long campaign against the incorporation of South West Africa led by Tshekedi Khama."⁶⁵ Khama spent most of 1946 lobbying the

⁶³ The Case for Bechuanaland, 1946, BTS 1/18/59, volume 4, NASA.

⁶⁴ Letter to Frederick Maherero from J.G.U. Katjerungu, 20 February 1946, DO 35/1935, National Archives of Great Britain.

⁶⁵ Michael Crowder, "Tshekedi Khama, Smuts, and South West Africa," *The Journal of Modern African Studies*, vol.25, no.1, (March, 1987), pg 25-42, 26.

British government to oppose incorporation and in the summer of 1946 attempted to go directly to London to appeal directly to the Crown.

The British government thought Khama's visit "should be discouraged. The object of the visit could not be kept secret and it would seem to be very embarrassing to have it disclosed to the world that Tshekedi, who has no clear locus standi in the matter, had been allowed to come here to discuss the future of South West Africa with the Secretary of State."⁶⁶ The memo also stated that they did not need to worry about Khama just arriving in London because he would be unable to "get a passage . . . without the support of the High Commissioner or the United Kingdom Government and I do not see that we are obliged to grant such facilities."⁶⁷ Khama had already booked passage to London for late June, just in case the British agreed to allow him to travel. The British government refused to grant him permission to leave southern Africa, so he had to turn to others to help in his fight.⁶⁸

The British also wanted to keep Khama's proposed trip and the British banning of it a secret because it "would no doubt lead to pressure on the United Kingdom Government by personas and societies in this country (e.g. the Anti-Slavery Society) not to support the incorporation of South West Africa in the Union, and agitation of this kind might become embarrassing." In order to placate Khama they told him that they would

⁶⁶ Dominion Office Memo, 8 May 1946, DO 35/1935, National Archives of Great Britain

⁶⁷ Ibid.

⁶⁸ Crowder, 34.

pass on his memo and letters to the UN, but that is all they would do.⁶⁹ Even though they had prevented him from arriving in June of 1946, the British government wanted to make sure that if he found another way to come to London that they should stay out of it since the backlash could weaken their position at home and abroad if they once again refused him.⁷⁰

Tshekedi Khama refused to allow the British to silence him and began a fierce letter writing campaign to the British cabinet, opposition in the British and South African parliaments, sympathetic organizations throughout the world, and the press. In a letter to the South African Institute for Race Relations, Maherero wrote that all the Hereros opposed incorporation and that “if the U.N.O. agrees to the Union’s proposals the fate of Bechuanaland to remain outside of the Union would be sealed,” so they must help prevent the fall of Namibia into South African hands.⁷¹ Khama’s campaign gained notoriety throughout Southern Africa. A supporter sent him words of encouragement saying that the African population of South Africa wished for his success in preventing Namibia’s annexation. The writer believed that “such a step would not only be the means of serving the best interest of the native population of that country but would also indirectly help us in the Union because with the protecting hand of Britain over the Protectorates on the one hand and that of the Trustee-ship Council on the other, we feel that the Union of S.A. may hesitate to pursue further its present policy which can only

⁶⁹ Dominions Office Memo, 20 May 1946, DO 35/1935, National Archives of Great Britain.

⁷⁰ Dominion Offices Memo, 5 June 1946, DO 35/1935, National Archives of Great Britain

⁷¹ Letter to Ray Phillips from Tshekedi Khama, May 15, 1946, Papers of SAIRR, File: B21.1, Historical Papers, University of Witwatersrand.

end in permanent injury to good relations between the Black and White races in Africa.”⁷² The letter also stated that the only practical solution was that South West Africa be turned over to the Trusteeship Council.

In an interview with the South African Press Association in July of 1946, Khama stated that “the Union of South Africa is showing oppressive Imperialist tendencies which vitally concerned the United Nations, as they had grave implications for the future of the African continent,” and that he would do everything in his power to prevent Southern Africa from falling under Union control.⁷³ *The Windhoek Advertiser* took Khama’s attacks in the press and in lobbying the UN and British governments as evidence “of the weapons now made available to the native peoples in their struggle to secure better conditions.”⁷⁴ These new weapons allowed the “native” to “appeal” to a wider circle in their struggle. “The world [was] now the forum for the consideration of policies affecting all races. The day has passed when the native had to be content with such hearing as he could obtain for his case in the land in which he lived. It is possible that the outside world may decide that it is not proper for it to interfere in the domestic affairs of individual States, but the mere fact that views can now be publicised so that all the world may hear them, is in itself a powerful weapon in the struggle to secure

⁷² Letter to Tshekedi Khama from R.T. Bokwe, 20 May 1946, Papers of SAIRR, File: B21.1 Historical Papers, University of Witwatersrand.

⁷³ “Tshekedi Kama’s Complaint,” *The Windhoek Advertiser*, 17 July 1946, pg. 8.

⁷⁴ “Tshekedi Kama’s Statement”, *The Windhoek Advertiser*, 17 July 1946, pgs. 2.

rights.”⁷⁵ Khama’s campaign clearly demonstrated that organizations such as the UN as well as the increasingly globalized world opened up opportunities for oppressed and stateless people to appeal to world opinion to better their lives.

Even though Khama was unable to travel to London or New York to state his case in person, he was able to wage his campaign from Botswana. In September, he wrote a long and detailed letter to Walter Huggard, the British High Commissioner, demanding the return of Herero land and for Maherro to be allowed to return to his people. The letter described in detail the inhumane pass systems, which prevented the Herero leaders from visiting one another by barring them from leaving their reserves without permission. In his letter Kutako

challenge[d] any statement either now or hereafter made by the Union government to the General Assembly at UNO this October to the effect that the Native peoples of South West Africa concur in the transfer of that territory to the Union free of any Mandate. In view of the points raised by the Hereros at their meeting with Your Excellency and as amplified in this letter we cannot believe that either the British Government or the members of the General Assembly at UNO are aware of the determined policy of oppression and the denial of all human rights to the native peoples of South Africa by the Government of the Union.”⁷⁶

The letter also states that the Union’s claim that their rule was better than that of the Germans was only true because “the Germans had one penalty-the death penalty-for even

⁷⁵ Ibid.

⁷⁶ Letter to High Commissioner from Tshekedi Khama, 24 September 1946, DO 35/1938, National Archives of Great Britain

minor offences," and it is not hard for the South Africans to improve on genocidal policies.⁷⁷

Khama, realizing that he was going to be unable to present his information himself, requested that the British forward his letter to the appropriate authorities at the United Nations. The British government, however, refused to forward the letter. It had already come out in support of the South Africans and did not want to do anything to weaken their position. The British response to Khama's letter was "to send the correspondence to Mr. Bottomley at New York for his information," and to the Union government, but not to the UN.⁷⁸ Since one of the key components of South Africa's argument for incorporation was that it had the support of the Africans within South West Africa the British did not want to embarrass their ally by forwarding Khama's agreements. Both the British and South Africans argued that it was only outside agitators such as Tshekedi Khama who were arguing against incorporation, and by preventing Maherero's statements from appearing before the UN, they could keep this farce going.

After the British government supported South Africa's position at the United Nations, Khama fired off an angry letter to Huggard stating that the support of the UK for incorporation was based on lies. Khama argued that the way the Namibians were consulted was fraudulent and the British government was at fault for not allowing Khama to travel to the UK to present the facts. He wrote:

⁷⁷ Ibid.

⁷⁸ Memo to Secretary of State, 28 October, 1946, Do 35/1938, UK National Archives

we should be failing in our duty to the British Empire and our people if at this stage we omitted to record that the handicaps placed in our way by the British Government to have the views of those we represent made known to the British Public and to the Nations assembled at U.N.O. and the manner in which the so-called consultation with the Native Peoples of South West Africa was conducted, only to convince the Native Peoples of South Africa that the principle of the United Charter – ‘to affirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of all nations large and small’ – does not apply to the backward races of the African continent.”⁷⁹

In the spring and summer of 1946, the South African government was trying to convince the Namibians that they were better off as part of the Union, and Smuts wanted to make sure that Union would not have a legal obligation to turn over the mandate to the United Nations. At the final League of Nations meeting in April, the South African delegation lobbied other League members over the future status of the mandates; particularly what the obligation of the mandatory powers would be towards the territories after the League was dissolved. The South African position was that the mandatory powers should retain control of the territories and could do with them as it wished. The South Africans had the support of the British but had to deal with major opposition from India and New Zealand, both of whom wanted a declaration requiring that the mandates be transferred to the UN, but both were unwilling to directly oppose the British.⁸⁰

Before the League’s meeting, the New Zealand delegation argued that it would not support any action that would prevent South West Africa from being turned over to

⁷⁹ Letter from Tshekedi Khama to Walter Huggard, 3 December 1946, DO 35/1938, UK National Archives.

⁸⁰ Telegram from SA Delegation to the League to Secretary for External Affairs, 10 April 1946, BTS 1/18/15/3, NASA.

the United Nations, even if the British pushed through a resolution that allowed the Union to incorporate South West Africa.⁸¹ Liberal South Africans had been lobbying the Prime Minister of New Zealand throughout 1946 in order to prevent them from backing the Union's move for incorporation. New Zealand as early as 1945 argued that all mandates had to be transferred to the Trusteeship Council and so became a potential ally of those who opposed annexation. One South African from Mafeking wrote that "the Union of South Africa has forfeited all right whatsoever of any claim upon further Territory, or to the control of any more native peoples, by reason of its consistently appalling neglect, and callous indifference to their needs, as well as by its repression and injustice to its whole non-European population."⁸² This position was supported by Margaret Ballinger, the MP representing the Africans of Mafeking. However, even with extensive lobbying by South Africans, the New Zealand government was unwilling to oppose the British when it came down to a final vote.

The Chinese delegation to the League gave the Union some unexpected trouble as it pushed for a transfer of the mandatory powers to the UN's Trusteeship Council. Unlike New Zealand and India, the Chinese did not have to worry about upsetting the UK and the balance of the power in the Commonwealth. The Chinese were concerned with the Japanese mandates in the Pacific and wanted a blanket proposal that would force all mandates to be converted into trusteeships. However, the Union was able to convince the

⁸¹ Telegram from High Commissioner to Secretary for External Affairs, 28 March 1946, BTS 1/18/15/3, NASA

⁸² Letter to Prime Minister of New Zealand from Minnie H. Jowitt, Jan 29, 1946, A410 Ballinger Papers, File: B2.5.36 Correspondence Constituency Mafeking 1946-1958, Historical Papers, The University of Witwatersrand.

British to pressure the Chinese into modifying their proposal in a way that did not force the mandatory powers to transfer the mandates to the UN.⁸³ The final decision by the League was a major victory for the South Africans since they were now able to argue that they did not have a legal obligation to transfer South West Africa to the United Nations.

The South Africans then turned their attention to the upcoming meeting of the United Nations in September. They felt confident that they had the legal right to incorporate South West Africa, based on the final decision of the League and the moral right based on their consultation with the population of the territory. However, they still wanted to be careful. Their strategy relied on the fundamental belief that the UN was not the successor to the League, but a new organization and that they could not limit South Africa's control of Namibia. Smuts' position was that "a direct claim for incorporation or annexation runs grave risk of defeat and should be avoided, if possible. Incorporation is not really necessary, as our rights of administration and legislation of the territory as an integral part of the Union cover all practical purposes and our main object is to avoid coming under a trusteeship agreement."⁸⁴ The official position of the Smuts government throughout the 1940s was that while incorporation was desirable, the mandate allowed for direct rule of the territory, so they must avoid UN control at all costs. Smuts also believed that the referendum over incorporation demonstrated that the Namibians supported incorporation and that they were better off under South African rule than they

⁸³ Telegrams from SA Delegation to the League to Secretary for External Affairs, April 9, 10, and 11, 1946, BTS 1/18/15/3.

⁸⁴ Telegram to Hofmeyr from Smuts, 24 September 1946, Hofmeyr Papers, File Dj Politics-General South West Africa, Historical Papers, University of Witwatersrand.

otherwise be. When warned that the UN might want to visit the territory to verify the report they submitted, Smuts told Hofmeyr that the Union had nothing to fear and that a UN visit would merely reinforce what the Union had told them.⁸⁵

Smuts' optimism heading into the UN was tempered by news from the United States and Great Britain. Both the Americans and the British advised Smuts that he should wait until 1947 to ask for incorporation. They believed that the delay would give the UN enough time to fully investigate South Africa's claims about both the desires and living conditions of the African population. An American State Department official told Hofmeyr that if everything was as the Union claimed it was then the UN commission to South West Africa would most likely allow incorporation and at worst the South Africans could design a trusteeship agreement that kept the same terms as the mandate.⁸⁶ The South Africans believed that incorporation was a done deal, even if their allies recommended a different path. Smuts believed that if South Africa waited until 1947 then African resistance to incorporation would increase and he believed that "Tshekedi . . . ha[d] been steered off and the Hereros prevented," from coming to the United Nations.⁸⁷ Hofmeyr thought "that postponement will put [the Union] in worse position next year and would expose Government and [Smuts] in particular to criticism here. We trust therefore that postponement will not be necessary" and that Smuts should "emphasise that our

⁸⁵ Ibid.

⁸⁶ Aide-Memoire, Legation of the United States of America, October 8, 1946, Jan Hendrik Hofmeyr Papers, File DJ Politics-General South West Africa, Historical Papers, University of Witwatersrand.

⁸⁷ Telegram from High Commissioner to the Secretary for External Affairs, 27 September 1946, BTS 1/18/59, volume 5, NASA

action is designed to give effect to principle of self-determination.”⁸⁸ The only thing Smuts and Hofmeyr were sure of was that the British would support their bid for incorporation and hopefully bring the Commonwealth countries behind them, even if they believed 1947 would be more opportune.⁸⁹

On November 4, 1946, Smuts finally got his chance to push for the incorporation of South West Africa into the Union. He began his case by first discussing the nature of the trustee system, arguing that it was not the successor of the mandate system but an “improvement on it” because the mandate system was limited in what it could do, while the trusteeship agreements allowed for greater variation.⁹⁰ This variation allowed for states to incorporate territories into security and other systems that were banned by the mandates, all while still protecting and civilizing the inhabitants of the territories. Smuts believed that the only link between the mandate and trustee systems was that both were designed to advance the population of the territories in question, but they were not interchangeable. Under the new system, these societies would be able to choose their own futures. Smuts argued that the people of South West Africa had chosen to join the Union, and the UN should allow the merger to proceed.⁹¹

⁸⁸ Telegram to Smuts from Hofmeyr, 1946, Jan Hendrik Hofmeyr Papers, File DJ Politics-General South West, Historical Papers, University of Witwatersrand.

⁸⁹ Telegram from High Commissioner to Secretary for External Affairs, 11 October 1946, BTS 1/18/59, volume 5, NASA.

⁹⁰ “General Smuts states his Case for Incorporation of South-West Africa.” November 4, 1946, BTS 1/18/59 volume 5, NASA

⁹¹ Ibid.

Following his opening statement he presented his reasons for why South West Africa should be allowed to enter the Union. He said that

South-West Africa, by reason of its physical contiguity to the Union and its ethnological kinship with the rest of Southern Africa, was uniquely different from the other C mandates of Western Samoa, New Guinea and the Japanese Pacific Islands. Moreover South Africa had at that time the experience, which was to be repeated 25 years later, of its national existence being threatened from the contiguous territory of South-West Africa. It was, therefore, anxious and legitimately anxious to secure the annexation of the territory and it was only in deference to the views of other statesmen that General Botha, the Prime Minister of the Union, agreed as an experiment to accept South-West Africa as a C mandate. Such an architect of the mandate system as President Wilson could foresee only one future for the territory, namely that of incorporation.⁹²

By arguing that the mandate of South West Africa was only an experiment, Smuts claimed that the territory was intrinsically linked with the Union, and doubt about the future was the only thing hindering the further development of the mandate. Once South West Africa was incorporated, it would flourish as part of South Africa.

Smuts foresaw that hostile nations would criticize the way in which the consultation with the African population was done so he made sure to clarify how the referendum was conducted in his opening speech by stating that “it would be a mistake to regard the consultation which was carried out as a referendum of individuals. Such a notion is entirely alien to the mind of the tribal Native. Rather it was a consultation of the wishes of tribal units, the views of the individuals being ascertained by the tribal authority in the recognised traditional and customary fashion.”⁹³ While the referendum was not a direct vote, the Union government believed that the Namibians were consulted

⁹² Ibid.

⁹³ Ibid.

and the UN should accept their decision. Smuts believed that the South African treatment of the mandate was beyond reproach and besides the wishes of the inhabitants, this was his strongest reason for incorporation. In a speech before the UN Smuts argued that

South Africa's record as a mandatory Power under the supervision of the League mandates Commission, a record which is open to all to see and judge in the annual reports submitted to the Commission, is indisputable evidence that the Union Government has discharged its trust with the highest regard for its responsibilities for the advancement of the moral and material well being of the inhabitants. When the Union Forces first occupied the territory, they found the proud and aristocratic Hereros decimated and humiliated by the Germans, a broken and dying race; the Berg Damaras, deep rooted in servitude, the Ovambos and other tribes of the North riddled with witchcraft and engaged in tribal forays in which there was no security for man or beast. The roving Bushman, still regarded as little better than animals, human vermin of the veld, the whole country just emerging from the stupefaction and horror of the German massacres and killings of the early years of the century.

Today the tribes are contented and prosperous. The Hereros have more than doubled in number, development is going on apace within limits of the territory's revenues. Every where throughout South-West Africa, as is the case throughout the Union, there is full and unreserved recognition of the four fundamental human freedoms. There is complete freedom of speech, freedom of religion and freedom from fear. Freedom from want is the great objective of the whole area of Southern Africa which is being gradually attained by the full development of its natural resources.⁹⁴

The Union's argument that life was fundamentally better for the African under the Union government than under the Germans clearly demonstrated that they had ruled in the spirit of the mandate and should proceed with closer unification. This argument was flawed and caused problems when the Herero and others demonstrated repeatedly that life under South African rule was filled with discrimination and repression.

⁹⁴ Ibid.

The UN's response was not what Smuts had anticipated. The Indian delegation led the campaign against the Union, arguing that the consultation with the African population was fraudulent because the Chiefs consulted were appointed by the Union and it was never explained to them what the Trustee System entailed. The Indian charge was expected as India had been feuding with the Union government over the treatment of Indians in the Union, but the reaction of the South American and other European delegations was not. They not only agreed with the Indians, but they also started to demand that the Union submit a trusteeship agreement for South West Africa. The South Africans could only count on British support.⁹⁵ Over the next week, things did not get better for the South Africans. In a telegram to the Secretary of External Affairs, the delegation described their reception at the UN as "very hard and feeling against South African policy on both the Indian and South West African question is wide and strong. Both colour policies are most unpopular in the United States of America and in a World Assembly like U.N.O., and the atmosphere is chilly all round. The only bright spot is the discreet support that the United Kingdom is giving us, especially on South West Africa."⁹⁶ For South Africa, the situation would not improve. Once the ball got rolling everybody except the British joined in on attacking South Africa.

On November 14, Dulles joined the chorus against the Union, arguing that the "data before this assembly does not justify an act by this session of the assembly

⁹⁵ Telegram from South African Delegation to Secretary for External Affairs, 4 November 1946, BTS 1/18/59, volume 5, NASA

⁹⁶ Telegram From South African Delegation to UN to Secretary for External Affairs, 13 November 1946,, Jan Hendrik Hofmeyr Papers, File DJ Politics-General South West Africa, Historical Papers, University Witwatersrand."

approving incorporation by South Africa of the mandated territory of South West Africa.”⁹⁷ Once the Americans rejected the idea of incorporation, its fate was all but sealed. The UN would not give South Africa its blessing to incorporate the territory, and by the end of November the Indian delegation began pushing for a resolution that they hoped would force the Union to turn South West Africa over to the Fourth Committee.⁹⁸ Forsyth desperately fought against the Indian draft resolution arguing that incorporation was what the people of South West Africa wanted and that the way that they were consulted was along traditional power lines. He argued that any other way of consulting them would have led to confusion.⁹⁹

Major Hahn, the administrator of Ovamboland and the leading “expert” on the Africans of Namibia, had travelled with Smuts and desperately tried to convince the UN that the report consultation with Namibians was a valid representation of their wishes. Hahn had been in charge of the consultation with the chiefs and argued that the Indian accusation that the African population was not presented with all of their options was incorrect. He stated that

I put the various alternative before them. I asked them whether they and their lands were to be incorporated in the Union or whether they would continue under a mandatory form of administration exercised by the Union Government under the supervision of the Trusteeship Council or whether they were to be controlled by one or more of the other members of U.N.O.

The marked feature of their replies was the emphatic and enthusiastic manner in which these replies were given. The general sense was that the ‘Government of

⁹⁷ Extract from American Bulletin, 15 November 1946, BTS 1/1859, volume 5, NASA

⁹⁸ A/C.4/Sub.2/17, 22 November 1946, BTS 1/18/59, volume 6, NASA

⁹⁹ A/C.4/Sub.2/44, 1 December 1946, BTS 1/18/59, volume 6, NASA.

the Cape” which had sent the soldiers to beat the Germans must take over full ownership of their territory.”¹⁰⁰

Hahn’s argument failed to convince the hostile delegations that the consultations were valid and his recollection on what was said in the consultations was a half-truth at best. The African population was led to believe that the Germans might take over the territory again if the South Africans left.

Smuts, Forsyth, and Hahn were unable to overcome the negative pressure that was applied by the Indians and other delegations within the United Nations. They also had to deal with criticism from home. Charese Frisk of South Africa wrote a letter that was sent to all UN delegations in late October that was designed

not only to protest the proposed annexation, but to direct to your attention the fact that the Government of the Union of South Africa denies ordinary human rights and elementary freedoms to millions of native Africans over whom it already exercises arbitrary and relentless power. The natives of South-West Africa will be condemned permanently to the same treatment-without hope of remedy- if the annexation is permitted.¹⁰¹

Frisk and others from both South West Africa and South Africa were able to make their voices heard and coupled with the already negative views of Union racial policies around the world; the damning letters from the Union were hard to overcome.

On November 29, a fierce debate raged in the UN over South Africa’s request to incorporate South West Africa. The Soviet Union took the position that the territory must immediately be placed under trusteeship and that the results of Smuts’ referendum could not be taken at face value because it did not represent the true will of the people of

¹⁰⁰ Statement to the UN from Hahn, 1947, File: 8/5, Hahn Papers, NAN.

¹⁰¹ Letter to UN Delegations from Charles Fisk, October 25, 1946, ES Landis Papers, Box A.631, NAN.

the territory. Dulles, even though he believed that South West Africa should not be incorporated, argued that it was not required that all mandates be placed under the Trusteeship System. Mandates could be legally granted independence, join with another country, or be placed under the Trusteeship System. He took this position because the United States wanted to avoid placing the Japanese mandates under the trusteeship council's authority. The only thing that all sides could agree on was that the territory should not be incorporated and that the way in which the referendum was conducted was inherently flawed and inadequate. The Chinese delegate, Liu Chieh, went one step further and argued that the population of South West Africa was "not sufficiently advanced to understand the scope of its decision, nor sufficiently free to express itself," and therefore could not have an official position one way or the other.¹⁰²

After the debate four draft resolutions were submitted concerning South West Africa. The Soviets, Cubans and Indians all authored resolutions and the Danish and American delegations submitted a joint draft resolution. The Soviet, Cuban, and Indian draft resolutions called for South West Africa to be placed under a trusteeship agreement. The joint Danish and American draft invited the Union to place the territory under the Trusteeship Council but did not require a trustee agreement. Smuts and the UK grudgingly accepted the US and Danish resolution but argued fiercely that the consultations with the African population was an accurate reflection of their wishes for incorporation. The UK delegation said they would have conducted a referendum in

¹⁰² A/C.4/Sub.2/38, 29 November 1946, BTS 1/18/59, volume 6, NASA.

precisely the same way. Smuts also took offense at Liu's shot at South Africa, claiming that saying that the people of the territory were not advanced enough to understand what they were doing was insulting both to the Union and the population of the territory.¹⁰³ In the end, the US-Danish resolution passed and the Union was prevented from incorporating South West Africa, but was spared from having to turn the mandate over to the UN.¹⁰⁴

United Nations General Assembly Resolution 65 was not the victory Smuts had hoped for, but it was not a complete failure. While it recommended that the territory be placed under trusteeship, it allowed South Africa to continue to rule South West Africa under the principles of the mandate.¹⁰⁵ Smuts supported the US measure only in order to prevent the harsher resolutions presented by the other delegations and was willing to take a partial victory. After the severe criticisms leveled at the Union during the general debate, the end result could have been much worse. Forsyth wrote that the only bright spot was that the British, "stood by us throughout this controversy with the utmost steadfastness and loyalty," even with "a considerable measure of criticism, both here and at home."¹⁰⁶ Over all the experience was painful for the South African delegation. In a letter to a friend in early 1947, Major Hahn described the previous year's meetings as

¹⁰³ A/C.4/Sub.2/41, 29 November 1946, BTS 1/18/59, Volume 6, NASA.

¹⁰⁴ Bulletin from America, United States Office of Information and Cultural Affairs, Johannesburg, 30/11/46, BTS 1/18/59 volume 6, NASA

¹⁰⁵ General Assembly Resolution 65, 14 December 1946, accessed July 15, 2012, <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/033/16/IMG/NR003316.pdf?OpenElement>.

¹⁰⁶ Telegram to Secretary for External Affairs from South African Legation, Washington, 5 December, 1946, BTS 1/18/59, volume 6, NASA.

not all Beer and Skittles. It was all intensely interesting but we got it in the neck good and proper. This is all due to those blasted Indians and Russians having formed a solid block and having got the majority of the lesser Dago and half-breed peoples to vote against us. All the Nordic races with one or two exceptions voted for us. In my opinion U.N.O. cannot last at this rate for it will simply mean that civilisation will go back in that the advanced and civilised peoples will have to dance to the tune of Latin America led by India and Russia. India, by the way, I might tell you, is going all-out against the White man. This may be a good thing because she will thereby create a Western Block which Russia must join as to preserve herself. This sounds high politics but all the indications point that way. Actually it will be a damn good thing if the white races could withdraw altogether from those yellow areas and leave them to develop without European guidance and brains.¹⁰⁷

The South African delegation left the United Nations in December of 1946 a lot less optimistic than when they arrived. For Smuts, it was the beginning of the end of his career, both internationally and domestically. As the only head of state to be at the creation of both the League of Nations and the United Nations, he entered 1946 with a large amount of political capital. However, his reception at the UN in 1946 demonstrated that he had used it all. On Smuts' return home, the Nationalist Party headed by Dr. Daniel Malan, would use his failure in 1946 to help propel them to power in 1948. Almost immediately on his arrival back in South Africa, Smuts would have to begin defending his actions at the UN.

Throughout the UN sessions, the Nationalist Party maintained that the UN did not have the right to interfere in the mandate and routinely criticized Smuts for even asking the UN for permission to incorporate South West Africa. Smuts defended himself on January 18, 1947, in the Union Parliament. He explained that

¹⁰⁷ Letter from Hahn to Alfie, 6 January 1947, Hahn Papers, file 8/1, NAN.

The past four months have been some of the most difficult of my life. It is not only the work but it is the scope and the seriousness of the subjects that we have dealt with. I have felt right throughout that whatever may have happened in Paris or New York is going to affect the future of South Africa. We are the spearhead, as it were, of the human problem. Nowhere else in the world do you find conditions such as here. Here you have all colours, all races, all views, all cultural levels, and the problems engaging human attention, the problems dealt with both in Paris and New York, are problems of the deepest and most far-reaching interest to South Africa. I took up everything seriously, and I continue to do so, and I shall be glad if there could exist with us a certain measure of unanimity on at least a portion of that work. In view of what has been said by the Leader of the Opposition, (Dr. D.F. Malan) namely, that I have acted back to front; that I bungled the matter; that mistakes have been made which might harm our interests, and the criticism which has been exercised over my actions in other respects, I do think it right that the House should express itself on my actions.¹⁰⁸

Smuts believed that his actions at the United Nations were in the spirit of progress and was flabbergasted by the reaction abroad and at home. He felt that South African actions throughout 1946 were honorable and that they acted in the right way by asking for the UN's approval in incorporating South West Africa. Even though Smuts could most likely have annexed the territory anytime throughout World War II and probably could have gotten away with it in 1946, he wanted the blessings of the international community.¹⁰⁹ The opening session of the UN, disillusioned Smuts. As the architect of the Mandate System as well as the President of the General Assembly at the San Francisco Conference, he believed that his views had been in line with those of the UN. Unfortunately, for him, he was a relic of a previous age and had trouble adapting to the world that emerged following the Second World War.

¹⁰⁸ "General Smuts responds to Opposition Critics on his return from UNO," January 18, 1947, BTS 1/18/59, volume 7, NASA.

¹⁰⁹ Crowder, 26. Smuts and Churchill reportedly had a conversation in 1943 in which Churchill advised Smuts to annex South West Africa during World War II.

Smuts believed that the decision to take the matter before the UN was still the right one even though it did not work out in his favor. He believed that the wishes expressed by the African population in their referendum were genuine and should have convinced the UN that incorporation was the desire of the inhabitants, but in his words “the storm was too strong. The desire to have the trusteeship system applied generally was irrepressible.”¹¹⁰ So Namibia was not allowed to be incorporated, but neither was it transferred to the trustee system. According to Resolution 65, its status had not changed; South Africa still administered it as a mandate. Eric Louw, a well-respected diplomat in South Africa and a staunch Nationalist, believed that the mandate had lapsed with the dissolution of the League and that the UN had no right to interfere in the Union’s administration of Namibia. Smuts disagreed; he argued that while the mandate had lapsed the Union still had the same rights both to the people of the territory as well as to the international community. In 1947, the Smuts government prepared a report, similar to the ones given to the League, on South Africa’s administration of the mandate to give to the UN. Louw vehemently opposed this plan arguing that it would recognize the UN’s authority in the territory. For Smuts it was a matter of principle; the Union had an obligation to continue to respect the mandate and the United Nations even though the exact legal status of the territory was complicated. Smuts described Namibia as “not a

¹¹⁰ “General Smuts responds to Opposition Critics on his return from UNO,” January 18, 1947, BTS 1/18/59, volume 7, NASA.

colony, but it practically amounts to that, it is more in the nature of a colony,” but that did not exclude the Union from its international obligations.¹¹¹

Immediately following Smuts’ defense of his actions at the United Nations, a fierce debate raged in the South African Parliament over whether or not Smuts’ approach was the correct one and what the Union should do in the future. The Nationalists condemned Smuts for approaching the United Nations and some even demanded that the Union withdraw from the UN. Margaret Ballinger, a liberal MP from Mafeking, condemned this course of discussion stating that she “failed to understand what contribution we could make to civilised living if we were prepared to repudiate authority whenever it happened to cross our own path and be exercised against us. In the circumstances I feel that we have a very great obligation upon us to accept what U.N.O. has decided,” even if it did not turn out like they wanted.¹¹² Ballinger would argue that they should work with the UN and convince them that the Union was worthy of ruling Namibia, and not to try to go their own way. Her voice was lost in the shouting of the Nationalist. Smuts and the United Party were barely able to stand their ground in the legislature against the attacks of the Nationalists.¹¹³

The Smuts administration did not just try to defend itself from the Nationalists within South Africa; it also began to strengthen its case for the next UN session. It

¹¹¹ Ibid.

¹¹² “Debate on U.N.O.” January 23, 1947, Ballinger Papers, File B1.1-1.6, Historical Papers, University of Witwatersrand.

¹¹³ For a detailed explanation and description of the debates in the South African Parliament over Namibia see *South West African Mandate* by Gail-Maryse Cockram. While highly critical of Smuts she provides an excellent example of the official Nationalist line of criticism.

recognized that the only ones who truly stood with it in 1946 were the British, even though a large section of the British population believed that South Africa should give in to the UN's wishes.¹¹⁴ D.B. Sole, a diplomat in the South African Embassy in London, recommended that the South Africa government mount a propaganda campaign in the UK. This campaign would be designed to convince the British public that annexing Namibia was the best thing for the inhabitants and that the treatment of non-whites in South Africa was not as bad as the Indians had portrayed it in the United Nations. Sole believed that Lord Hailey's positive report on the referendum and treatment of Africans in Namibia could go a long way towards helping their image, even if it would not help them convince the opposition in the Labour Government to support them.¹¹⁵

The most important aspect of the Smuts administration's quest to bring South West Africa closer to the Union was to try and convince the population of the territory that its wishes were betrayed by the United Nations and to try to convince the Hereros that incorporation was the best option for them. The South African strategy for gaining African support was to try to delegitimize the United Nations. In a memo outlining the way in which to approach the African population, the administrators in South West Africa were told to emphasize that the UN did not allow incorporation because "they considered that the Natives of South West Africa had not had enough experience of ruling themselves and were not sufficiently developed, to express an opinion as to how

¹¹⁴ Letter to Secretary for External Affairs from Sole, 29 January 1947, BTS 1/18/59, volume 7, NASA

¹¹⁵ Letter to Forsyth from Sole, 6 February 1947, BTS 1/18/59 volume 7, NASA.

they are go be governed,” even though that was what they themselves had chosen.¹¹⁶ This strategy would ultimately fail, particularly in the case of the Hereros. Hosea Kutako and the Herero leadership had completely lost faith in the South African government and refused to rely on them. Throughout the spring and summer of 1947, Kutako demanded that a Herero representative be allowed to travel to the United Nations and that a UN panel visit the territory. The South African administrators continued to underestimate the reach and determination of Kutako. W.J.B. Slater, the Chief Native Commissioner, continually argued that since the Herero were better off under South African rule than they were under German rule then they had no reason to complain about the Union.¹¹⁷

Major Hahn believed that he could convince the Herero to support incorporation if he could convince them that they really were better off under South African rule. Forsyth and Smuts told him to try, but they did believe that Kutako would end his campaign against South Africa. After failing once again to convince the Hereros to support incorporation, Hahn finally decided to tell Kutako that the Herero were not representative of the Namibian population. Hahn argued that since they made up less than ten percent of the Africans in the territory their opinions were not important. He told Kutako that no matter what he thought and regardless of whether South West Africa

¹¹⁶ Memo “Points which the Officers of the Administration should make in their talks with Natives regarding the Union’s request to U.N.O. for the Incorporation of South West Africa,” 1947, BTS 1/18/59, volume 8, NASA.

¹¹⁷ Letter to Magistrate & Native Commissioner of Otjiwarongo from W.J.B. Slater (Chief Native Commissioner), 22 February 1947, BTS 1/18/59, volume 8, NASA

was incorporated, South Africa would continue to rule South West Africa, and most people in the territory supported incorporation.¹¹⁸

Throughout the summer, Kutako continued to pressure the South Africans to return their land and allow the UN to visit Namibia. In a letter to John Naser, the Secretary for South West African, he wrote:

We are still of the opinion that South West Africa should not be incorporated into the Union and that if a referendum were to be conducted this should be conducted by an impartial body. We should like to have permission to send our representatives overseas to express our attitude in this connection even though they may not be able to attend the session of the United Nations Assembly. Finally since the Union Government has not accepted the recommendations of the United Nations Organisation regarding the Mandated Territory; and now that the League of Nations has ceased to exist we are at a loss to know whose wards we are and to whom final appeals can be addressed now that our right to petition the League has also ceased.¹¹⁹

Kutako rested his case on the fact that South Africa was operating outside of the will of the international community and that the African population of South West Africa was left without a protector. Naser would reply to Kutako that the only person he has the right to petition to was the King because the UN did not have any say in the administration of the mandate now that the League ceased to exist. Naser also told Kutako that he “should not impugn the Union Government’s good faith and that the fact that they are against incorporation was duly brought to the notice of U.N.O. last year,” and cease his campaign against the Union.¹²⁰

¹¹⁸ Letter to Forsyth from Secretary for South West Africa, 20 May 1947, BTS 1/18/59, volume 7, NASA.

¹¹⁹ Letter to Secretary for South West Africa from Hosea Kutako, August 9, 1947, BTS 1/18/59, volume 8, NASA

¹²⁰ Letter to Secretary to the Prime Minister from J Naser, August 1947, BTS 1/18/59, volume 8, NASA

Kutako also sent a similar letter to James Bottomely, the British High Commissioner, and the Secretary for Commonwealth Relations. Bottomely decided to ignore the letter, claiming that Kutako had no right to speak for the Herero and that the condition of the Herero was of no concern to him.¹²¹ An intriguing claim considering that a significant portion of the Herero lived in Botswana, a territory he was administering on behalf of the British. Even though both Bottomley and Naser refused to help, Kutako held out hope that the British would step in. In his letter to the Secretary for Commonwealth Relations, he argued that ““the Union Government by reason of its treatment of the African people, both in the Union and in South West Africa, has now forfeited all moral right and claim to continue exercising the Mandate over South West Africa and we would ask for your support of our application to send representatives overseas to state our case.”¹²² He believed that the British would step in and do the right thing. However, it was clear after their treatment of Kutako and Khama as well as their actions at the UN, that they stood firmly behind the Union government, so Kutako had find another champion for their cause.

Kutako would find his champion in the form of an Anglican minister named Michael Scott. Scott came from a family of ministers who worked with the impoverished of England and at a very young age, Scott became aware of the injustices in the world and tried to help those who were less fortunate. With the rise of fascism in Europe during

¹²¹ Letter to Naser from Bottomly, 14 August 1947, BTS 1/18/59, volume 8, NASA

¹²² Letter to Parliamentary Secretary for Commonwealth Relations from Kutako, August 7, 1947, BTS 1/18/59, volume 8, NASA

the 1930s, Scott flirted with communism believing that it was the only force that could withstand the growing racism in Europe.¹²³ However, his flirtation with communism would eventually fade as he could not reconcile his Christian beliefs with the atheism of the communist world. He found his way back to South Africa following the Second World War; he had spent most of the 1920s there. Almost immediately upon his arrival, he began working with the marginalized African and Indian populations. He was an active supporter of the Indians during the Durban Riots and was eventually arrested for ministering and living in the African township of Tobruk, on the fringes of Johannesburg. After being released from jail, he was invited by Tshekedi Khama to come to Botswana and meet Maherero. Maherero explained that his people in Namibia were suffering and that the Union was preventing them from coming to him and he asked Scott to travel there on his behalf.¹²⁴

Scott's arrival in Namibia would begin a long relationship with the Herero and he would become their representative at the world until the 1980s. Chris Saunders wrote that Scott was the Herero because

the issues there seemed particularly stark-the first genocide of the twentieth century, people stripped of their land and scattered, the sheer scale of the continuing oppression-but Scott was also enormously impressed with the quiet dignity of the Namibians he met and their Christian commitment. He saw a way to rescue them from South African Racial tyranny by appealing to the conscience of the world, and his primary motive was always to right their wrongs.¹²⁵

¹²³ Michael Scott, *A Time to Speak*, Double Day: New York, 1958, 83.

¹²⁴ Ibid, 216-217.

¹²⁵ Chris Saunders, "Michael Scott and Namibia," *African Historical Review*, 39, 2, (2007), 25-40, pg 29.

Scott was impressed with the dignity and religiosity of the Herero in general and Kutako in particular. He believed that it was a righteous and worthy thing to represent them at the UN. The Herero believed in the 1940s that the UN was “God’s instrument of justice and freedom for their people.”¹²⁶

During Scott’s only visit to Namibia he was stunned by “the fine spirit and bearing” of the Herero that he desperately sought to learn the history so he could adequately convey their suffering to the United Nations.¹²⁷ As Kutako took him from reservation to reservation to examine the living conditions of the Herero, they stopped to pray at a spot where the Germans had carried out a massacre. Kutako’s words were forever etched on Scott’s memory, and he repeated them many times in his push to first prevent incorporation and then later to argue for independence for Namibia. Kutako’s prayer called on God to save the Herero from their fate. He said:

You are the Great God of all the Earth and the Heavens. We are so insignificant. In us there are many defects. But the Power is yours to make and to do what we cannot do. You know all about us. For coming down to earth you were despised, and mocked, and brutally treated because of those same defects in the men of those days. And for those men you prayed because they did not understand what they were doing, and that you came only for what was right. Give us the courage to struggle in that way for what is right. O Lord, help us who roam about. Help us who have been placed in Africa and have no dwelling place of our own. Give us back a dwelling place. O God, all power is yours in Heaven and Earth. Amen.¹²⁸

¹²⁶ Scott, 219.

¹²⁷ Scott, 222-223.

¹²⁸ Ibid, 223.

Scott dedicated the rest of his life to fulfilling Kutako's hope that he would have a dwelling place of his own, and the UN was the forum in which he would do it.

In August, Scott began to plan for his trip to the United Nations to present his findings and the wishes of the Herero to the United Nations. The South Africans tried to prevent his arrival at the UN. For them Scott represented all that was wrong with the world, a white who worked with and believed in the African population. The British backed South Africa's attempt to prevent him from securing a visa. It was only on the intervention of the Indian delegation that declared Scott as a personal advisor that he was eventually issued a visa.¹²⁹ His visa severely limited his movements and activities to the United Nations; he was prevented from leaving Manhattan or working while in the US. The United States had initially refused to grant him a visa because they had branded him a troublemaker and did not believe that he had any business at the United Nations.¹³⁰

As Scott waited, first in Johannesburg and then in London, for his American visa, he forwarded a stream of letters and petitions to the United Nations on behalf of the Hereros. The first letter arrived in late September and simply expressed the Herero desire for the return of their lands.¹³¹ This letter would be the first of hundreds of communications between Scott and the UN. His next letter informed the UN that Kutako had asked Scott to represent him at the UN, because he do not feel that the Union

¹²⁹ Ibid, 230-231.

¹³⁰ Anne Yates and Lewis Chester, *The Troublemaker: Michael Scott and His Lonely Struggle Against Injustice*, London: Arum Press, 2006, 82-83.

¹³¹ A/C.4/96, 26 September 1947, BTS 1/18/59, volume 9, NASA.

represented the Herero.¹³² Scott also sent a petition to the UN from the Herero's demanding that the UN send a team to investigate the situation in South West Africa. He claimed that "the Union's Administration of the Mandate has proved disastrous" and that the way in which the referendum was conducted was misleading and that the Ovambos and Namas stood with the Herero in their opposition to incorporation.¹³³

Scott's activities at the UN worried the South African administration, but it believed that it had already prevented Scott from directly approaching the UN. In Namibia, the administration began to pressure Kutako to back down from his campaign. Slater, a South African Official, sent a message to Kutako ordering him to stop his work at the UN claiming that

In putting forward the request for the appointment of an independent Commission, the Hereros are concerning themselves with matters which properly belong to the Government of the country. You (the Hereros) have been told that you represent only one-tenth of the Native population of the Territory and that you should recognise your position that you speak on behalf of only a section of the Native population.

You have also already been told that you should not impugn the Union Government's good faith and that the fact that you are against incorporation was duly brought to the notice of the United Nations Organization last year.

As to your request to be placed under a Mandatory body appointed by the United Nations or under the protection of the British or American Governments, I am to say that the Union Government does not recognise any authority in the United Nations over South West Africa except to the extent that the Union Government has assumed responsibility by reason of its signature of the Charter. The United Nations has, therefore, no authority or power to grant a mandate in respect of this Territory to any State. From this it follows that the United Nations cannot

¹³² UN Document A/C.4/94, 25 September 1947, BTS 1/18/59, volume 9, NASA.

¹³³ Petition from the Herero Being African Native Inhabitants of the Mandated Territory of South West Africa, 1947, Ballinger Papers, File E 2.36, Historical Papers, University of Witwatersrand.

transfer South West Africa to the United Kingdom or the United States under mandate, even if it wished to do so.

In view of the foregoing the Union Government can see no purpose that would be served by the Hereros either petitioning the United Nations or sending a delegation to present their 'case.' The proper course for you to pursue if you wish to represent your case is to do so to this Administration or to the Union Government, through this Administration, as you may see fit, because you are the wards of the Union Government.¹³⁴

Slater's attempt to pressure Kutako into backing down would have the opposite effect. It demonstrated to him that the South Africans were only interested in protecting themselves and that if he wanted to improve the lives of his people he would have to do it through the UN.

The South West Africa issue at the UN in 1947 became a test of the newly formed organization. The Union once again declined to place the territory under trusteeship and the majority of the delegations saw this as a clear violation of UN authority. One observer commented in early September that if the UN issued a hostile resolution towards South Africa, it could have disastrous consequences for both the UN and the Union. In the Union, it would strengthen the Nationalist opposition who were increasingly calling for the creation of a Republic and withdrawal from the United Nations. For the UN, if the British supported the Union in defying the UN then it "would be a heavy and perhaps fatal blow to the United Nations."¹³⁵

Heading into the 2nd Session of the United Nations, the South Africans had been quietly warned by the Americans and British that criticism of them would be worse than

¹³⁴ Letter to Kutako from Slater, 11 September 1947, BTS 1/18/59 volume 8, NASA

¹³⁵ Memo by Robert Fars, United Press Staff Correspondence from London, 3 September 1947, BTA 1/18/59, volume 8, NASA

it was in 1946. Ben Cockram, of the US State Department, met with Bottomley and the South African government in early July of 1947 and told them that if the Union continued to defy the United Nations, which he was sure they were going to do, then this could spell disaster for the UN. He told them “if South Africa decides to ignore UNO recommendations, there is nothing that the UN as an organization can do about it other than pass a condemnatory resolution. But the spectacle of a member of the Commonwealth following a policy of ignoring the United Nations, combined with the likelihood of further Soviet intransigence and non-co-operation, will make it very difficult for the United Nations as an organisation to get on its feet.”¹³⁶ Both the South West African as well as the Indian issue could spell doom for the UN as it struggled to gain legitimacy. Cockram also warned the South Africans that they could not rely on American support in 1947. Official State Department policy was to build a stronger relationship with India and they were not willing to jeopardize that over South Africa. The South Africans then planned to try to go to Foster Dulles to get support, but they recognized that even he would only be willing to go so far.¹³⁷

When the General Assembly began discussing South West Africa on September 26, the Indian delegation demanded that the Union place South West Africa under a Trustee agreement as the General Assembly requested in 1946. The Indian delegate, Mahraj Singh, said that the consultation with the inhabitants of the territory was a farce as

¹³⁶ Note on a talk with Mr. Ben Cockram at the Dominions Office, July 5th, 1947, BTS 1/18/59, volume 9, NASA.

¹³⁷ Ibid.

they were not advanced enough to understand what they were agreeing to, especially considering the racial barriers place on them in both South West Africa and the Union.¹³⁸ In order to help with his argument over the poor treatment of Africans within the territory, Singh requested that a letter from Michael Scott be circulated among the delegates. This was the first time information from Scott appeared at the UN, and it marks one of the only times the South African delegation did not oppose the distribution of material from Scott.¹³⁹ He also said that the Union had a moral as well as a legal responsibility to enter into a Trusteeship agreement. Singh implied that if the Union continued to defy the UN by refusing to place the territory under Trusteeship then they would have to consider what steps the UN could take to force South Africa into line. The US representative, Dulles, differed greatly from the Indian point of view, arguing that there was no legal obligation for the Union and that there was nothing that the UN could do to force the Union into a Trusteeship agreement. Dulles believed that it was a positive step that the territory was not incorporated in early 1947 and that if the world continued to apply moral pressure on South Africa then they would eventually place South West Africa under a Trusteeship Agreement. The Danish and Dutch delegates agreed with Dulles that there was not a legal obligation to submit a Trusteeship Agreement, but did argue that the Union had a moral obligation. The Yugoslavian, Chinese, Guatemalan, Polish, and Philippine delegations all agreed with India that the Union was in violation of

¹³⁸ Telegram from S.A. Delegation, New York, to Secretary for External Affairs, 26 September 1947, BTS 1/18/59, volume 8, NASA.

¹³⁹ Telegram from S.A. Delegation, New York, to Secretary for External Affairs, 28 September, 1947, BTS 1/18/59, volume 8.

the Charter, and should be brought into line.¹⁴⁰ Over the next couple of days the attitude and actions of the South African government would be interrogated by the General Assembly.

The debate over the territory in the General Assembly ended on September 27th, and the delegates were told that they had to turn in resolutions for consideration by October 1. With few exceptions, the majority of the General Assembly wanted a repeat of the previous year's resolution calling for South West Africa to be placed under the Trusteeship. The only strong opposition came from Bottomley, of Great Britain, who argued that the Union did not have an obligation to place the territory under UN supervision. The British position was that the Union showed great progress towards cooperation by asking the UN's blessing before incorporating the territory and that after they were rejected, did not proceed with incorporation, even though that was clearly the wishes of the inhabitants.¹⁴¹

Outside of the General Assembly, Dulles approached the Union. Dulles told the South Africans that the US would support the South Africans. This support was limited and would only consist of the US saying that the Union did not have legal obligation to submit a trusteeship agreement. Dulles agreed with the Netherlands that the best course of action would probably be to ask for a judgment from the International Court of Justice (ICJ), which the Union would probably win. The South African delegates wished to

¹⁴⁰ Telegram from S.A. Delegation, New York, to Secretary for External Affairs, 26 September 1947, BTS 1/18/59, volume 8, NASA.

¹⁴¹ Telegram, S.A. Delegation, New York, to Secretary for External Affairs, 28 September 1947, BTS 1/18/59, volume 8, NASA.

avoid this, but did not think that they would be able to. Dulles also warned them that the Report on South West Africa prepared by the Union government would most likely be referred to the Fourth Committee. This is a move the South Africans wanted to avoid.¹⁴² The South African government also moved behind the scenes to make sure that any resolution condemning their actions would be muted. They directly approached the Canadian and Americans who they believed promised to help, while the British delegation worked on the Latin Americans. Union officials believed that the worst case scenario was that the UN would issue another non-binding resolution as it had in 1946.¹⁴³

While awaiting news on what the various delegations would propose, Smuts sent direction to the South African delegations. He believed it best to try to avoid the ICJ because the Charter was clear in stating that mandates were not required to be transferred into trustees, but that if that was the will of the committee they would not fight it. On the threat that the Report on South West Africa would be shared with the Fourth Committee, Smuts said that it was created for public consumption, but does not imply that the Union is accountable to the UN. The South African position rested on the belief that even if the General Assembly condemned the Union for not placing South West Africa under Trusteeship despite its previous resolution that the UN should be reminded that resolutions were only recommendations and were not legally binding.¹⁴⁴

¹⁴² Secret Telegram from S.A. Delegation, New York, to Secretary for External Affairs, 26 September 1947, BTS 1/18/59, volume 8, NASA.

¹⁴³ Telegram from Lawrence to Prime Minister, 29 September 1947, BTS 1/18/59, volume 8, NASA.

¹⁴⁴ Secret Telegram to Lawrence from Smuts, 1 October 1947, BTS 1/18/59, volume 8, NASA.

Both the Indian and Danish delegations submitted draft resolutions dealing with the South West Africa issue. Both draft resolutions called for the Union to honor the previous resolution and to submit a trusteeship agreement for South West Africa. The resolutions differed, however, on whether or not the Union was obligated to do so. The Danish resolution requested that the Union push forward a Trusteeship Agreement, while the Indian resolution demanded that they do so.¹⁴⁵¹⁴⁶ In the end, the Indian Draft calling for the Union to immediately place South West Africa under a trusteeship agreement was passed.

Michael Scott arrived in New York after the debates over South West Africa were concluded, but that did not stop him from trying to lobby the UN in its decision making process. While his papers were circulated among the UN, his presence was not as impactful as he might have wished. The press virtually ignored him and the South Africans described his impact as negligible, claiming “in spite of three Press Conferences and intensive lobbying by the Indian Delegates all efforts to present Michael Scott to the American Public through the publicity media of the press have failed dismally. He has not aroused any interest. The petitions and his own statements to U.N. have gone unnoticed. No reference was made to them in the Fourth Committee, which also, undoubtedly, diminished their value as documents worthy of attention by the press.”¹⁴⁷

¹⁴⁵ Resolution proposed by the Representative of Denmark, UN Document A/C.4/100, 1 October 1947, BTS 1/18/59, volume 9, NASA.

¹⁴⁶ Resolution proposed by the Representative of India, UN Document A/C.4/99, 1 October 1947, BTS 1/18/59, volume 9, NASA.

¹⁴⁷ Press Comment on South African Affairs, October 1947, BTS 1/18/59, volume 9, NASA.

The only positive press he got was from *Ebony*, which “featured Michael Scott as the saviour and martyr for all oppressed non-European peoples in the Union of South Africa.”¹⁴⁸ In Scott’s press release of October 1947, he informed the UN that he was sent by the Herero, because the South African government refused to allow the Herero to travel to New York. They wanted to make sure that the world knew they opposed incorporation and they did not believe South Africa would operate in good faith. Scott ended his press release by arguing that the racial policies of the Union in both South West Africa and South Africa prevented the non-white inhabitants of acting on their own so they were “looking in desperation to U.N. to help them.”¹⁴⁹ Michael Scott, according to the South Africans to be a “self-styled representative” of the Hereros, continued throughout the end of 1947 to be a burr in the South African side as he continued to work with their critics.¹⁵⁰

The South Africans were more concerned with the direction the United Nations was taking. The UN, led by India, began to see themselves as “the guardians and protectors of colonial peoples and that the Union should expect criticism from them in the future. However, the Union must avoid arguing with them over points in the South West Africa report and that over time the issue will become routine and die down.”¹⁵¹ Another option the Union considered was “exposing the jaundiced and distorted motives of those

¹⁴⁸ Ibid.

¹⁴⁹ Press Statement by Rev. Michael Scott, October 13, 1947, File 8/5, Hahn Papers, NAN.

¹⁵⁰ Letter to Secretary for External Affairs from Andrews, 15 December 1947, BTS 1/18/59, volume 9, NASA.

¹⁵¹ Letter to Secretary for External Affairs from Andrews, 15 December 1947, BTS 1/18/59, volume 9, NASA.

like Scott, or of delegates like Sir Maraj Singh.”¹⁵² The Union government would then walk the unpopular path of trying to expand its control of Namibia in an age when world opinion was becoming increasingly hostile to the old imperial system. The Union belief that

The future of South West Africa can in my opinion only lie with the Union. The White population being mostly Union citizens wants incorporation with the Union. . . The natives are unable to speak with one voice. People who dream of the natives eventually developing into one coherent unit, who can set up an independent Administration, should visit the Territory to be disillusioned. The groups are always at loggerheads with one another, are racially antagonistic and ethnologically very dissimilar. I do not think that within the next hundred years they will be able to govern themselves or to take a very intelligent part in any government. The Hottentots and Herero have been deadly enemies for longer than the French and the Germans have been. The Bushmen have been the object of hatred, contempt and persecution by the other races for a longer period than has been the case with any other nation in the world. All the groups have their confederates of corresponding groups in the Union, and it must be assumed, therefore that if they must choose between closer association with the Union or a Government which is headed by foreign people overseas, who they don't know, and who do not know them, their choice will be the Union. If they are left to themselves, they are likely to start again where they left off, when the White man took control and complete the work of mutual extermination with which they were then busy,¹⁵³

was increasingly out of step with the will of the Namibian people and world opinion.

The opening sessions of the United Nations clearly demonstrated that world opinion had begun its shift against colonialism. The debates over South West Africa case showed that the great powers' control over the UN was not as firm as they believed. For the British, their support of the Union hurt their standing in the world, and the Americans

¹⁵² Letter to Secretary for External Affairs from Andrews, 31 December 1947, BTS 1/18/59, volume 10, NASA.

¹⁵³ “South West Africa and the Union of South Africa” by Dr. D.G. Conradie former Administer of SWA, Undated Ballinger Papers, File G7.5, Wits

made a tactical decision to support the rising power of India rather than stand with their traditional allies. The founding of the United Nations created a forum in which the old ways of doing things fell to the side and new nations and private individuals influenced the course of world history.

CHAPTER 2: A NEW ATMOSPHERE: THE NATIONALISTS TAKE OVER, 1948-1950

The election of the Nationalist Party in 1948, under the leadership of D.F. Malan, transformed the debate over the future of Namibia, as well as the fate of everyone in South West Africa and South Africa. Immediately upon his election, Malan created an antagonistic relationship with the UN by claiming that South West Africa was an integral part of the Union and the UN did not have jurisdiction in the territory. The South West African issue at the UN became extremely contentious and in 1949 reached a boiling point when the Fourth Committee requested Michael Scott to provide oral testimony against the Union. The good will that Smuts had tried to build did not last as South Africa under the Nationalist party became increasingly isolated at the UN.

At the Second Session of the United Nations, the Fourth Committee ended its deliberations over South West Africa with a whimper. Both Scott and Smuts left feeling as if they had won partial victories, but neither was completely satisfied with the outcome. Even though the Fourth Committee passed resolutions recommending that the Union of South Africa place South West Africa under a trusteeship agreement that would eventually lead to independence, it was merely a recommendation. Smuts viewed the UN rejection of incorporation as only a temporary setback in his quest to bring South West Africa into the Union, while Scott looked to build on his momentum and push for stronger action at the next session. In early 1948, both Scott and Smuts began to plan for the next phase of negotiations by reaching out to their allies around the world.

After failing to gain the United Nations' blessing in his bid to incorporate South West Africa into the Union of South Africa, Smuts returned to South Africa. Smuts was optimistic about the future of South West Africa. He had agreed not to incorporate the territory into the Union, but he still believed that the territory would be integrated into South Africa. The weakness of the UN resolutions emboldened him to plan a stronger campaign during the Third Session of the UN. The Smuts administration was confident that the Union was in a better negotiating position than it was in 1947. Forsyth, Smuts' private secretary, thought the Union's submission of a report on South West Africa, as well as its decision not to incorporate the territory would please their opponents in the Fourth Committee. Union officials believed that the only group "that desire[d] trusteeship [was] the Herero tribe and they [were] only taking that attitude in the hope of attaining their selfish wish to the detriment of the majority of Native peoples," and the Union would be able to clearly demonstrate this to the UN.¹⁵⁴ Union officials saw the Hereros' opposition to incorporation as a temporary setback and underestimated their ability to sustain a long international campaign against South Africa.

The administration also realized that the calls for placing South West Africa under trusteeship would not cease, but that Smuts' willingness to compromise at the previous session would help South Africa avoid strong condemnation. Forsyth wrote in mid-January that

¹⁵⁴ Letter to Jacob Worm-Waller from D.D. Forsyth, 13 January 1948, BTS 1/18/59, volume 10, National Archives of South Africa.

The best we can ‘hope’ fore (sic) therefore is a continued attack on moral grounds, with some added expression of regret that an otherwise loyal member of the United Nations has seen fit to ignore the force of world moral opinion as expressed in the Assembly’s recommendation.

What we should aim at, therefore, is maintaining the small support already accorded us by our present friends, and if possible, to increase their number. As you will be aware, whilst the attack on legal grounds has diminished – although some members will certainly continue to take an opposing view – the attack will be maintained and accentuated on moral grounds.¹⁵⁵

South African strategy would focus on reemphasizing that the European population of South West Africa, as well as the majority of the African population, opposed submitting a trusteeship agreement. Forsyth hoped this strategy would counteract the moral obligation that many delegations argued required the Union to place the territory under a trusteeship agreement. He also suggested to the South West African legislature that it should pass legislation formally requesting incorporation into the Union to strengthen the case for incorporation, as the Legislature had in the 1920s.¹⁵⁶

The Union delegation to the UN was confident that it could count on US support during future UN sessions. Francis Sayre, the President of the Trusteeship Council and lead US delegate, had a long conversation with Andrews, a Union delegate, about South West Africa in January of 1948. Andrews described Sayre as “a good and understanding friend” to the Union during the 1947 sessions, even though he recommended the Union place South West Africa under a trusteeship agreement. Sayre believed a trusteeship agreement was the best option because

¹⁵⁵ Letter to Douglas from Forsyth, 19 January 1948, BTS 1/18/159, volume 10, NASA.

¹⁵⁶ Ibid

his approach to international problems in the United Nations . . . had always been guided by the principle that under present conditions, with the world divided between totalitarian and democratic forces, it was essential that any divergences between the United States, the Commonwealth and other like minded nations should be eliminated, or at least reduced to a minimum, in the interest of as united a front as possible.¹⁵⁷

Sayre wanted to avoid a similar debate in 1948 over South West Africa that could potentially harm the relationship between the United States and South Africa. He believed that if the Union submitted a trusteeship agreement then its friends would be able to get hostile nations, such as India, to give compromise a chance. He thought Smuts' agreement to submit reports to the United Nations had been a positive step in this direction.¹⁵⁸

Andrews did not buy this point. He thought that while the "cooperation in the United Nations among like-minded democracies" was important he did not believe that, "our friends and others had yet given sufficient weight or consideration to our case in answer to the 'moral obligation,' upon which in fact the Assembly resolution had largely been grounded."¹⁵⁹ The passing of the UN resolution on moral grounds, not on legal grounds, was detrimental to South Africa's case, particularly after the Union reported that most people in the territory were opposed to a trusteeship agreement. Sayre told Andrews "he feared very much the absence of any constructive approach to the Assembly resolutions might only serve to isolate South Africa from her friends, who might be

¹⁵⁷ Letter to Forsyth from Andrews, January 26, 1948, BTS 1/18/59, volume 10, NASA.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

compelled to reconsider their attitude on the whole issue.”¹⁶⁰ The Union administration had been warned by the US that while the decision not to incorporate the territory and to submit reports on its administration were a positive step it did not go far enough. Andrews left the meeting with the impression that the Union could count on US support as long as it made an effort at compromising.¹⁶¹

Sayre and the others who pressured Smuts to compromise with the UN underestimated the hostility towards the UN within South Africa and South West Africa. Friendly delegations at the UN recognized that Smuts’ options were limited because of the pressure of the Nationalist Party, which believed he had already compromised too much. Michael Scott disagreed with this interpretation of Smuts’ actions. He told Khama that almost the entire white population, including the United Party, was opposed to any UN interference in South West Africa. Smuts was facing opposition within his own party, not just from the Nationalists. Since 1948 was an election year in South Africa, Smuts’ negotiations with the United Nations were not his primary concern.¹⁶²

While the South African delegation was evaluating the 1947 session and planning for the Third Session of the UN, Michael Scott was reaching out to his allies. Scott spent most of 1947 trying to convince the UN that it should invite Namibians to the next session so they could report directly to the UN. By early 1948, Scott realized that the UN would not invite Kutako to speak before them. He told Tshekedi Khama, that legally

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Letter to Khama from Scott, January 14, 1948, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 5

“the African inhabitants have no right to be heard by the Trusteeship Council since the Assembly only gave it authority to examine the Union government report.”¹⁶³ Khama and Scott had hoped that since the Fourth Committee was investigating the report sent by the Union then they would also want to hear from the African population; however, the Fourth Committee chose not to invite the Herero to Paris in 1948. Scott argued that this decision took away the Namibian the right to petition, which was guaranteed under the mandate. With the continual refusal of the Union to recognize the Herero’s position and the UN’s refusal to invite the Herero, Scott wanted to refer the South West Africa case to the International Court of Justice (ICJ).¹⁶⁴

In January of 1948, Scott worked with the NAACP and other organizations to secure support for Kutako at the next UN session. This was in violation of his visa from the United States, which allowed him only to attend meetings at the United Nations. Through the lobbying of Walter White, the State Department permitted Scott to stay in New York, which enabled him to increase his contacts within the United States and at the UN.¹⁶⁵ The Union criticized Scott’s activities in New York and exerted pressure on the State Department to revoke his visa. Union officials hoped they could prevent Scott from addressing the UN by ensuring that the US would refuse to grant him future visas.¹⁶⁶ On

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Telegram from Walter White to Peyton Ford of the Justice Department, January 20, 1948, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 4.

¹⁶⁶ Letter to Mr. & Mrs. Prentice from Michael Scott, February 6, 1948, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 5

January 25, Scott wrote a letter to all UN and Fourth Committee delegations regarding South West Africa. He wanted to send one last appeal for the reunification of the Herero and the return of their land. In the letter, he wrote that he could not

conscientiously return to South West Africa until I am sure that at least members of the United Nations and of the Fourth Committee have had an opportunity of considering the appeal of these South West Africans and have therefore caused their statements to be reproduced in full and circulated herewith.

In my humble opinion of one who has lived and worked for many years as a missionary, the question of South West Africa which confronts the United Nations is one of vital consequence to all Africans and others whose lands are a sacred trust to our civilisation.¹⁶⁷

Scott wanted to be able to return to Kutako saying he had done all that he could to bring their case to the United Nations, even if the Union was able to block much of his work.

After the 1947 session many believed Scott's inability to speak before the Fourth Committee showed that the Council was not concerned with the people in the non-self governing territories. Scott adamantly disagreed, arguing that the Fourth Committee was more than "a band of well meaning talkers," but their hands were tied by legal concerns.¹⁶⁸ Scott believed the Fourth Committee wanted to become a transformative power but that the British, French, and Americans were concerned with larger global issues and South West Africa and the trustee territories were not high on their agenda. However, he believed that the best way to change the views of the Fourth Committee was

¹⁶⁷ Letter to UN Delegates and the Trusteeship Council from Michael Scott, January 25, 1948, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 4.

¹⁶⁸ Letter to Mr. & Mrs. Prentice from Michael Scott, February 6, 1948, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 5

to continue to pressure them into acting on their moral responsibility towards colonial subjects around the world.

Scott arrived in Windhoek on February 12 to report on his progress to Kutako. Immediately upon his arrival, he visited the “native” location in Windhoek and began passing out his reports from the 2nd Session of the United Nations.¹⁶⁹ Scott told J.A. Mentz, the Deputy Commissioner for the South African police in South West Africa, that the “object of his visit to [South West Africa] was to enlighten the natives of what had passed at the recent U.N.O. meeting at Lake Success,” and that “he was not disappointed with the outcome of the U.N.O. meeting referred to and that he had brought back a message of hope to the natives. By peaceful and recognized representations to those in authority the natives would in his opinion ultimately attain what they were entitled to.”¹⁷⁰ Mentz did not believe Scott was in South West Africa to report on the meetings at the United Nations and had him monitored twenty four hours a day. Mentz reported that while Scott was acting within the law his “conduct would seem to indicate premeditated incivility if not open defiance. Moreover the natives with whom he has been in conference are strongly suspected of communistic tendencies which gave rise to the suspicion that he may be engaged in spreading subversive propaganda.”¹⁷¹ Mentz was concerned with Scott’s willingness to stay in the African sections of Windhoek and that

¹⁶⁹ South African racial policies forced a strict segregation of the races, particularly in urban areas. The non-white settlements in Windhoek were referred to as the Native Location.

¹⁷⁰ Letter to Secretary for SWA from J.A. Mentz, 16 March 1948, BTS 1/18/59, volume 11, NASA

¹⁷¹ Ibid.

Scott was speaking to people other than Kutako. Scott's activities violated racial norms within South West Africa, and he was seen as a danger to the status quo in the territory.

In Windhoek, Scott requested permission to visit the native reserves so that he could speak directly with Kutako. The South West African Administration denied him such permission and prevented Kutako from traveling to Windhoek to meet with Scott. Union and South West African officials tried to limit Scott's interactions with Namibian leaders. By March, the Smuts Administration was considering deporting Scott, but it eventually allowed him to stay as long as the police continued to monitor his activities. The Smuts' administration was concerned that if it deported Scott it would create an international scandal, which would damage its efforts at incorporation.¹⁷²

Hoogenhout tried to convince Scott to go through "proper" channels in his discussions with Kutako and the Herero. Hoogenhout insisted that the South West African administration acted in the best interest of the Hereros and Scott should give all the material from the UN to him and he would pass it on to Kutako. He believed Scott was confusing the African population and forbade him from visiting them. Scott was told that if continued to work in subversive ways then he would be banned from South West Africa. Hoogenhout and the South West African administration tried to keep Scott from interfering in their plans for the territory, but they were unsuccessful in driving Scott

¹⁷² Letter to Secretary to the Prime Minister from Secretary for South West Africa, 22 March 1948, BTS 1/18/59, volume 11, NASA.

away.¹⁷³ Scott responded to Hoogenhout's threats by trying to appeal to his sense of decency and Christian upbringing. In a letter to Hoogenhout, Scott wrote that the United Nations was pivotal to world peace, asserting,

For my own part, I hope that these controversies, especially in their larger aspect of the Native problem as a whole, can and will be settled within the framework of the British Commonwealth. But I do not think one can deny the right of these Africans to have petitioned the United Nations and I do not feel guilty about having assisted them to do so. On the contrary. We have the task, have we not, of trying to build a civilisation in Africa which will make possible a harmonious development of both the white and black races? But there are things happening in our country which are tending to destroy that harmony and it is not usually the or mainly the Africans who are destroying it in my opinion.

The white race has all the power, political, economic and administrative and all the military force too. Hence the fears, too loudly expressed sometimes, may be grounded in a bad conscience in the matter of dealings with the Native peoples.¹⁷⁴

He argued that the South African administration had presented the Herero with little choice but to appeal to the United Nations. The Union government continually denied the African population of both South West Africa and the Union any type of representation or power, so their only option was to take their concerns to the world.

By April, Scott's frustration with both the Smuts' and the South West African administrations had reached a boiling point. They continued to deny him access to the Native Reserves and refused to recognize that he could speak for the Herero. In a report to his supporters abroad he wrote that "there [was] something sinister as well as ludicrous about all the attempts which have been made to stop these Africans' voices as well as my

¹⁷³ Interview with the Reverend Michael Scott, memo by PI Hoogenhout, 18 March 1948, BTS 1/18/59, volume 11, NASA.

¹⁷⁴ Letter from Scott to Hoogenhout, March 19, 1948, BTS 1/18/59, volume 11, NASA.

own. The authorities went so far as to stop and interrogate any African who had been seen speaking to me.”¹⁷⁵ Scott was able to occasionally lose his police tail, but not long enough to have significant meetings with Kutako and the other Herero leaders. By the end of May, Scott had acquired new documentation from Kutako and the other Herero chiefs, as well as from the Nama leadership, reaffirming him as their chosen representative and demanding that the administration allow him to visit them. Scott forwarded these letters to the United Nations and Smuts, as well as a complaint that he was being prevented from meeting with those who had clearly and repeatedly asked for his help.¹⁷⁶ Scott spent the summer of 1948 trying to secure permission from the South African government to visit Kutako in the Arminius Reserve, but neither Smuts nor his successor Malan granted him permission. He eventually had to leave South West Africa, without personally delivering his report on the meetings of the United Nations to Kutako.

While Scott was in South West Africa, Smuts was battling for his political life. Smuts’ consultation with the UN over the future of South West Africa was one of the primary criticisms Malan leveled at him. The Nationalists accused Smuts of kowtowing to the United Nations and argued that by submitting a report on South West Africa to the UN, he had given them a say in a South African issue. Even before the criticism from Malan, Smuts had already begun to regret submitting a report to the United Nations. The

¹⁷⁵ Report by the Reverend Michael Scott, April 17, 1948, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 5

¹⁷⁶ Letter to Secretary of the Trusteeship Council from Michael Scott, 31 May 1948, BTS 1/18/59, volume 11, NASA.

Fourth Committee did not believe the report adequately described the conditions on South West Africa and had sent the Union a series of follow-up questions.

Smuts did not want to send a reply to the Fourth Committee, particularly after the attacks by the Nationalists over the initial report. He believed while the UN itself was not inherently hostile, the Fourth Committee was, and that responding would only cause problems. Smuts was concerned that sending an answer to the questionnaire could set a dangerous precedent because “questions on policy were dangerous and attempts to appease might lead us further into deep water. Appeasement was allright (sic) amongst friends but it never worked with those who were fundamentally hostile.”¹⁷⁷ Smuts, after his initial optimism following the 1947 UN meetings, was becoming worried the UN was toxic and “those of us who were at that madhouse – U.N.O. – should beware of becoming infected by the same mania,” which could turn friends against each other.¹⁷⁸ In the end, Smuts responded to the UN’s questions in the hopes that this would help the Union in future UN sessions.

Smuts spent the majority of early 1948 focused on the parliamentary elections in South Africa. An election he would ultimately lose to Dr. Daniel F. Malan and the Nationalist Party. The election of the Nationalists in 1948 transformed South West Africa as well as South Africa. The Nationalists swept to power by appealing to rural Afrikaners who felt the United Party represented urban and British interests and was too

¹⁷⁷ Note of Discussion with the Prime Minister on South West Africa Trusteeship Council Questionnaire, 29 February 1948, BTS 1/18/50, volume 10, NASA.

¹⁷⁸ Ibid.

concerned with remaining attached to Great Britain. The triumph of the Nationalists cemented Afrikaner control over South Africa until majority rule was achieved in 1994. Within the Union, the Nationalists implemented their policy of apartheid, which set up extreme forms of segregation and discrimination. These laws quickly spread to Namibia and by the 1950s isolated South Africa internationally.

Malan's government also tried to distance itself from Smuts' foreign policy, particularly at the United Nations. The Nationalist government became increasingly belligerent towards the United Nations and in 1948 seriously discussed withdrawing from the UN. Eric Louw, an experienced diplomat and Malan's Minister of Foreign Affairs, spent the early part of the summer of 1948 preparing for the UN's meetings. He planned to stand strong against the UN and not try to appease it as he thought Smuts had. Louw and Malan believed the Smuts administration should not have submitted the report on South West Africa to the UN and that the UN did not have jurisdiction over South West Africa. The Nationalist had not only swept into power in the Union, but also won the general election in South West Africa on the promise of closer cooperation between the two, and they took this as a mandate for incorporation. Louw arrived at the UN, with a plan to fight and secure South West Africa for the Union permanently.

Sir Alan Burns, a UK delegate, reassured the Malan administration that neither they nor the Americans or French would do anything to embarrass the Union at the upcoming session.¹⁷⁹ The Union was cautiously optimistic that with British, American,

¹⁷⁹ Letter from Fourie to Secretary for Foreign Affairs, 1 July 1948, BTS 1/18/59, volume 13, NASA.

and French support they would emerge relatively unscathed from the 1948 session of the UN. On July 23, the Fourth Committee began its discussions over the future of South West Africa. The Soviet delegate argued that since the mandate system and League of Nations was defunct the Union had two options: the Union had to either submit a trusteeship agreement or grant South West Africa immediate independence. The Mexican delegation agreed with the Soviets that South West Africa should be placed under trusteeship, but they did not believe the territory was ready for immediate independence. Sayre quickly jumped into the debate and said the Union should be praised for submitting a thorough response to the UN's questionnaire and agreeing to work with the UN regarding South West Africa. He argued that the UN should focus on improving the conditions for Africans within South West Africa and then push for Namibian independence. The Chinese and Belgian delegates agreed with Sayre adding that the Union should also make more land available for the Herero so Maherero and his followers in Botswana could return. By the end of the session, the Fourth Committee had created a drafting committee consisting of Belgium, the United States, China, and Costa Rica in order to draft a resolution on South West Africa.¹⁸⁰

One of Bernardus Fourie's, the lead Union delegate, biggest concerns was that the Fourth Committee would invite Michael Scott to speak on behalf of the Herero. Over the first few meetings, Scott's presence was fiercely debated in the Fourth Committee. On the 23rd, the committee decided, "it would be inappropriate to hear him because he was

¹⁸⁰ Letter to Secretary for External Affairs from Fourie, 24 July 1948, BTS 1/18/59, volume 11, NASA.

not an elected or selected representative of the inhabitants of South-West Africa, and because it was felt that all the evidence he might communicate to the Council could be communicated in writing,” but this could change at any time.¹⁸¹ Fourie believed Scott’s letters would be damaging to the Union and the Union should minimize their impact. He suggested two possible defenses against Scott’s attacks. Since the letters Scott was submitting were mostly anonymous, to protect the authors in South West Africa from intimidation, the Union could argue that they did not hold any weight. If the UN accepted them then the Union should argue they were inadmissible. If anybody could write letters to the UN without proof of their legitimacy and without the proper notification of the countries in which they originated, this would lead to all manners of complications. He also presented a much more active second option. Malan should also consider “having it out with the Secretary-General.” Fouire believed this was the best long term solution because he believed “that at least a sizeable proportion of the personnel of the Trusteeship Department are somewhat unfavourably inclined towards the Administering Powers in general, and South Africa in particular, and unless we are continuously on the alert they may act to our detriment.”¹⁸² Fouire believed Malan must move first and prevent the committee from becoming even more hostile towards the Union.

Fortunately for Malan, the South Africans were not working alone. The American delegate, Sayre, was working behind the scenes going “to individual members

¹⁸¹ Ibid.

¹⁸² Letter to Secretary for External Affairs from Fouire, 24 July 1948, BTS 1/18/59, volume 12, NASA

advising moderation.”¹⁸³ This appeared to have paid off, as the Fourth Committee was more lenient than the Union delegation expected. Sayre was told by the State Department that he should “should speak as early as possible” and he should use a “very conciliatory speech” which “might prevent other members of the Council from indulging in considerably more censorious language.”¹⁸⁴ Both Union and State Department officials believed Sayre was able to temper the allegations and accusations they had expected.

The US also tried to temper the Drafting Committee’s Draft Resolution on South West Africa, but Sayre was less successful in the committee than he had been behind the scenes during the Fourth Committee’s opening meetings. The draft resolution called for the Union to provide more resources for Africans within South West Africa in the economic and political realms. Union representatives were promised that Great Britain, along with Australia and New Zealand would oppose the draft, but they could not count on French support. The French delegates told Union officials that they were hostile to any form of racial discrimination and refused to support South Africa in any discriminatory practices. The South Africans were also worried about the growing resentment of the colonial powers within the Fourth Committee. They believed

it [was] impossible for the representatives of the administering powers to offer successful resistance to the non-administering group unless they vote solidly as a bloc. Some of the administering members are, however, very sensitive about accusations of “bloc voting”. Furthermore certain of the administering powers

¹⁸³ Letter from Fourie to Secretary for External Affairs, 27 July 1948, BTS 1/18/59, volume 12, NASA

¹⁸⁴ Letter to Secretary for External Affairs from South African Delegation to UN, 29 July 1948, BTS 1/18/59, volume 12, NASA

often press their 'liberal views'. The United States, for example, is not an administering power in our sense of the word. She is comparatively new to this role and continues to be a strong critic of anything that in American eyes represents Colonial Imperialism.¹⁸⁵

The American, British, and French delegations did not want to act as if they were only concerned with maintaining colonialism and therefore were afraid of working together.

As the debate progressed over South West Africa the Latin American, Asian, and African delegations became increasingly hostile towards South African rule in particular and colonialism in general. The Fourth Committee in particular was becoming hostile towards colonialism in all its forms. The colonial powers were afraid that if they made a stand in supporting South Africa, then the Fourth Committee might start enquiring about their colonies. In the late 1940s, Britain and France in particular were still in the process of regaining control of the colonies in Asia and North Africa that had fallen to the Axis powers during the Second World War. As the UN began its turn towards anti-colonialism the imperial powers were reinforcing imperial power around the globe. The British fought a brutal campaign in Malaysia beginning in 1948 and the French were trying to hold on in Vietnam. The Cold War also complicated the situation for the United States, which was not a colonial power in the same vein as the French or British. The Soviet Union supported the actions of the anti-colonial bloc in order to gain support at the expense of the United States. American officials were concerned that if the US supported South Africa's imperial ambitions then the Indians and others would migrate into the Soviet camp.

¹⁸⁵ Confidential Memo on South-West Africa, 11 August 1948, BTS 1/18/59, volume 12, NASA.

The debate over the drafting committee's draft lasted into the middle of August before a milder version was eventually passed. The US delegation was able to remove much of the criticism, but not all of it. The South Africans refused to consider the draft report, because they believed the Fourth Committee only had the ability to give observations on the condition of Africans in South West Africa, not to offer suggestions on how the Union could better manage the territory. Cockram, a Union delegate, was concerned that US and friendly support was beginning to break down as the Soviets and Panamanians, in particular, continued to push for increasingly stronger criticisms of the Union.¹⁸⁶

In response to the growing fear among the Malan administration that US support was tapering off H.T. Andrews, a South African diplomat, approached the State Department to remind them of the importance of South Africa to the United States. Andrews informed the Secretary for External Affairs that

the United States delegation were adequately apprised at the topmost level of any special relationship that existed, or could come into being as between the United States and South Africa in, say, the atomic field, the United States delegation would be in a more favorable position to take all facets of United Nations problems into account into Committees and ultimately the Assembly, when it came to formulating, or supporting, or even opposing resolutions affecting the interests of one or other country.¹⁸⁷

Andrews wanted to make sure the State Department adequately explained to the US delegates at the UN the importance of South Africa uranium to the American nuclear

¹⁸⁶ Letter from Cockram to Machtig, 16 August 1948, BTS 1/18/59, volume 13, NASA.

¹⁸⁷ Letter from Andrews to Secretary for External Affairs, 27 August 1948, Louw Papers, file 3, Archive for Contemporary Affairs, Bloemfontein.

program. While not coming out and offering to trade uranium for support, he wanted the Americans to understand they needed the Union almost as much as the Union needed them.¹⁸⁸

The Malan administration believed the Union was being unfairly criticized in the UN and decided to up the ante. Eric Louw arrived in Paris to further the Union's cause. Louw was a lifetime diplomat and one of Smuts' chief critics in the diplomatic corps, particularly in his handling of the South West African and Indian issues before the United Nations. He believed that Smuts did not fight hard enough to keep the UN out of the internal affairs of the Union. Throughout the remainder of his career, Louw was South Africa's fiercest diplomat and he consistently took every opportunity to try to discredit and weaken the UN's voice in South African affairs. He was primarily concerned with what he saw as a violation of the UN Charter in the constant interference in what he considered domestic issues within South Africa.

In a radio interview with Reuters and the Christian Science Monitor in September of 1948, Louw acknowledged the growing sentiment within the Union that the country should withdraw from the UN. He made the argument that the Union was a founding and supportive member of the United Nations, but the Malan administration and many South Africans were questioning why they should continue supporting an institution that continuously censured and attacked them. He also argued that United Nations interference in the treatment of Indians in the Union as well as the UNs questioning of

¹⁸⁸ Letter to Secretary for External Affairs from H.T. Andrews, 27 August 1948, BTS 1/18/59, volume 12, NASA.

South African racial policies in both the Union and South West Africa was leading to heightening racial tensions. If this criticism continued then he did not understand why the Union should remain in the UN.¹⁸⁹

South Africa flirted with leaving the UN for the next couple of decades. Louw, in his later years, was one of the strongest voices in espousing the Union's abandonment of the UN. Successive Union administrations wrote massive reports on the consequences of leaving the UN, and each time they recognized that leaving would cause more problems than it solved. It was better to remain and defend themselves or work behind the scenes to weaken the UN's continuous attacks against South Africa. Even after the Union was effectively kicked out of the United Nations in 1973, the South Africans still maintained a permanent delegation in New York to work with other delegations to limit the attacks on South Africa.

While in Paris, Louw wanted to build support for the Union and monitor the creation of the Universal Declaration of Human Rights (UDHR). Louw was adamantly opposed to the UDHR. In a speech before the Third Committee, the Committee on Human Rights, he argued that the UDHR was a violation of the UN Charter as it interfered with the internal politics of sovereign nations. He "suggest[ed] to our fellow delegates, therefore, to confine themselves to those rights which are practicable in the world of our day. Let us by all means hitch our world to a star, but do not let us leave

¹⁸⁹ Louw Radio Interview, September 1948, Louw Papers, file 61, Archive for Contemporary Affairs, Bloemfontein.

terra firma altogether.”¹⁹⁰ The UDHR to Louw was an impossible document and should never have been considered in the first place. He was also annoyed that Michael Scott was an observer for the International League for the Rights of Man at the drafting session, which he saw as a personal affront.

Louw also tried to find new allies while he was in Paris. American and British support was not enough to stop the growing hostility in the UN towards the Union. He saw the Israel-Palestine crisis as an opportunity for the Union to win over Arab support. During the discussion of the Union’s report on South West Africa in July, the Iraqi delegate, Khalidy, was noticeably silent on the South West African issue. However, he had criticized the Australians over the administrations of their trustee territories as well as spoke out against the UK’s administration of its trust territories. Fourie believed that Khalidy’s silence on Union matters was because he was not sure of the Union’s position on Israel. Since the British and Australians had allied with Israel, they could not count on Arab support, but there was a chance the Union could win Arab support by not supporting Israel.¹⁹¹ If flipping the Arab vote succeeded, Union officials believed it could turn the tide in the Fourth Committee.¹⁹²

Before Louw arrived, Fourie and Water began to lay the groundwork for a strong Arab/South African relationship. They wanted to convince the Arabs not vote against the

¹⁹⁰ UN Press Release, P/PM/46, Text of Speech by E.H. Louw (South Africa) on Human Rights before the Third Committee, 1 October 1948, Louw Papers, file 61, Archive for Contemporary Affairs, Bloemfontein.

¹⁹¹ Letter from Fourie to Secretary for External Affairs, 27 July 1948, BTS 1/18/59, volume 12, NASA.

¹⁹² Telegram from High Commissioner to Secretary for External Affairs, 11 October 1948, Louw Papers, file 3, Archive for Contemporary Affairs, Bloemfontein.

Union in exchange for Union support on Palestine. Winning the Arab vote in the UN would not only secure the Union a greater base in the UN, but also show they did not have to rely solely on the imperial powers for support. Louw hoped this would create a domino effect of support.¹⁹³ This strategy ultimately backfired. When Louw and Water tried to convince the Arabs of their support, the Lebanese Prime Minister pointedly reminded them that Smuts had followed the British lead and had already recognized Israel. Union officials argued that the Malan administration did not have to honor Smuts' position and they would prefer to have a relationship with the Arab League. In an internal memo one Union official argued the Arab League would make a better ally because "History shows that the good will of the Jews is not (is not) dependable factor in either domestic or international spheres."¹⁹⁴ Union officials argued that Smuts only gave de facto recognition to Israel not de jure, and the Malan administration had never officially recognized Israel. Representatives of the Arabs did not buy this argument. They did not trust the Union and could not be reassured that the Union would not later turn against them.¹⁹⁵

The carefully cultivated relationship with the Americans also began to slowly fall apart. Louw was upset that Eleanor Roosevelt had publically criticized the Union in an interview with the French press. He wrote to Sayre that the US "particularly needs South

¹⁹³ Letter from Water to Louw, 15 October, 1948, Louw Papers, file 3, Archive for Contemporary Affairs, Bloemfontein.

¹⁹⁴ Telegram from South African Delegation to UN to Secretary for External Affairs, 9 October, 1948, Louw Papers, file 3, Archive for Contemporary Affairs, Bloemfontein.

¹⁹⁵ Telegram from High Commissioner to Minister for External Affairs, 13 October 1948, Louw Papers, file 3, Archive for Contemporary Affairs, Bloemfontein.

Africa”, not only for a route around the Cape in case the Mediterranean became inaccessible, but also because South Africa would be the largest producer of would uranium in the world, a significant portion from South West Africa. He told Sayre that

it is in the interests of America and other countries, that this strategic position should be in control of a European people, whose way of life and outlook, accord with those of Americans. We are faced with a stiff fight against extensive Communist propaganda among the huge non-European majority in our country and it is essential that political power should not pass out of the hands of the Europeans.¹⁹⁶

Sayre responded frankly to Louw by telling him that while the United States valued South Africa and shared many common concerns with the Union, their policy of discrimination would not be condoned. Louw’s accusations that the US should understand South African policies because of racial discrimination in the American South did not shake Sayre’s conviction that the US should oppose apartheid. Sayre argued that the US was fighting discrimination to the best of its ability and while it may be unsuccessful, it was at least trying. He implied that if the Union wanted to continue to receive American support then it should move away from racial discrimination and resume the submission of reports to the United Nations.¹⁹⁷ Sayre and Louw continued to have a friendly relationship even as the Union moved further and further away from Sayre’s suggestions to work with the United Nations.

¹⁹⁶ Letter from Louw to Francis Sayre, 9 October 1948, Louw Papers, file 3, Archive for Contemporary Affairs, Bloemfontein.

¹⁹⁷ Letter from Sayre to Lowe, 9 December 1948, Louw Papers, file 4, Archive for Contemporary Affairs, Bloemfontein.

The only delegation the Union officials felt they could fully trust was the British. Since the first session of the United Nations, the UK had supported the Union position that they did not have an obligation to place South West Africa under a trusteeship agreement. In 1947, Sir Alan Burns had also tried to prevent the Fourth Committee from discussing the reports the Smuts administration had submitted. If he had been successful, many of the problems the Union faced in 1948 may have been avoided. The British government supported the Union's position that they did not have to submit reports on their rule in South West Africa. The Colonial office believed it would be advantageous

not to have the Fourth Committee concern itself with South West Africa, which always gives rise to acrimonious debates which affect the handling of other questions of direct concern to us. But it would certainly be most unwise to mention this to Mr. Louw, since he would no doubt regard it as official United Kingdom support of the line he himself wishes to take of withholding from the United Nations any further reports on South West Africa, and would nullify the efforts of Mr. Andrews, of the South African Delegation, and others, to induce in Mr. Louw a more conciliatory frame of mind.¹⁹⁸

The British wanted to support South African actions, but they also wanted Louw to take a more diplomatic tone with the UN. If he knew the level of British support, they worried that he would become almost impossible to deal with.

While Louw was in Paris trying to get support for the Union position, Scott was still trying to get permission to visit the Herero in the reserves. After Malan's victory Scott approached Malan hoping he would grant him permission, since the Smuts administration had refused him access. Malan like Smuts also denied his request and

¹⁹⁸ United Nations Encroachment in South Africa: Brief for the Secretary of State for the Meeting with the Secretary of State for Commonwealth Relations and Mr. Louw, 18 October 1948, DO 35, file 3756, National Archives of Great Britain.

Scott was never able to give his report directly to Kutako.¹⁹⁹ By October, Scott had given up on being able to visit the reserves, but hoped he could arrange a meeting between Kutako and Malan during the latter's visit to Windhoek in mid-October. Scott also tried to convince the Malan administration that representatives of the Herero should be allowed to travel to the United Nations to give testimony before the Trusteeship Committee.²⁰⁰

The Malan administration refused to consider the Herero request to travel to the United Nations. Forsyth, who became Louw's Secretary for External Affairs, told Scott

the Union Government does not consider themselves accountable to the United Nations Organisation, to the Government of the United Kingdom, or to the British Commonwealth in respect of their administration of the Territory of South West Africa and cannot, therefore, look with favour upon the proposal that a delegation of the Herero people should visit Europe for the purpose of making representations along the lines suggested.²⁰¹

The Herero did not just rely on Scott to try to get them an audience before both the UN and Malan. Kutako addressed a letter directly to Malan requesting permission to travel to Paris and for a return of Herero land. His message implied that the current situation in South West Africa was detrimental to everyone involved and the UN should take over the administration of the territory. Kutako believed that

Despite the many problems and disputes which confront the United Nations after their victory we trust that our voices may yet be heard and that the wrongs which have been done to us may be rectified. Last year we made our petition to the United Nations that this country being a Mandate of the former League of Nations should now be brought under the United Nations Trusteeship system, believing

¹⁹⁹ Letter to Malan from Scott, 3 August 1948, BTS 1/18/59, volume 12, NASA.

²⁰⁰ Letter from Scott to Malan, 13 October 1948, BTS 1/18/59, volume 13, NASA.

²⁰¹ Letter from Forsyth to Scott, 20 October 1948, BTS 1/18/59, volume 13, NASA.

this to be an impartial instrument for bringing peace and justice amongst those various sections in South West Africa both European and Non-European which formerly were enemies – the British and the Germans and the Afrikaners, the Hereros and the Hottentots and the Berg Damaras, all of whom must now find a way to live in peace and good will based upon justice.²⁰²

If the Union submitted, a trusteeship agreement Kutako believed the situation would improve for all concerned and would allow a system of government and justice “whereby all races can look forward with confidence and hopes of fulfillment for the right aspirations of all sections.”²⁰³

The Malan administration informed Kutako “that the Union Government [did] not consider themselves accountable either to the United Kingdom government or to the United Nations in respect of their administration of South West Africa” and therefore they would not allow a Herero delegation to travel to either London or the United Nations.²⁰⁴ Malan argued that the Union had sole responsibility for the “administration of the Territory” and that it was always “ready to listen sympathetically to any reasonable representations from the Native peoples of South West Africa.”²⁰⁵ The Malan administration continued to claim the international community did not have authority over South West Africa and so there was no reason for Kutako or others to visit the UN or any other nation.

²⁰² Letter to Malan from Kutako, October 20, 1948, BTS 1/18/59, volume 13, NASA.

²⁰³ Ibid.

²⁰⁴ Letter to Kutako from Secretary to the Prime Minister, October 1948, BTS 1/18/59, volume 13, NASA.

²⁰⁵ Ibid.

The Malan administration also refused to accept that Michael Scott had any legitimacy to represent the Herero.²⁰⁶ The South Africans held to this argument even after Kutako and the other Herero leaders sent Malan letters affirming Scott as their representative. Kutako told Malan that if he did not recognize Scott then there could be no negotiations between the two groups. Kutako had arranged a meeting with Malan, while the Prime Minister was visiting Windhoek, but told him that if Scott was not present then he would not be there either.²⁰⁷ The Malan administration refused to accept Scott's position with the Herero because it believed he was a communist agent who was only trying to cause trouble.

In a detailed memo, the South African police described Michael Scott as a man who was "sympathetic towards all left wing organizations and takes an active part in demonstrations convened by these bodies" and a criminal who refused to pay taxes and instead donated the money to charity.²⁰⁸ This memo was eventually passed on to the Department of External Affairs so it could distribute it to delegations at the United Nations in an attempt to discredit Scott.²⁰⁹ It did not have the desired effect. Scott's "transgressions" consisted of supporting Indians and Africans who were fighting for equality. The memo showed the world that Scott was willing to sacrifice his freedom in

²⁰⁶ Ibid.

²⁰⁷ Letter to Malan from Kutako, October 21, 1948, BTS 1/18/59, volume 13, NASA.

²⁰⁸ SA Police Memorandum: The Reverend Michael Guthrie Scott, 26 October 1948, BTS 1/18/59, volume 13, NASA.

²⁰⁹ Letter from Commissioner of the SA Police to the Secretary for External Affairs, 3 November 1948, BTS 1/18/59, volume 13, NASA.

his fight for equality and human dignity.²¹⁰ These ideals made him a dangerous radical in South Africa. The Union eventually declared him a prohibited immigrant and revoked his passport, effectively banning him from traveling to South Africa and South West Africa.²¹¹

For these reasons and many others, the Malan administration refused to recognize Scott. They also believed the only legitimate concern for most Namibians was a desire for better housing in Windhoek.²¹² South African officials believed if Scott were out of the way, the Herero would also back away from their positions demanding more land. The meeting scheduled between Kutako and Malan was eventually cancelled. The Union chose to believe that it fell apart because Kutako had fallen ill,²¹³ but this belief ignored Kutako's warning that he would not meet with Union officials until they recognized Scott as their representative.²¹⁴ Even though the meeting never took place, the Herero still forwarded their demands that the Union make more land available for them and for the return of Maherero. The Union once again refused to consider the option of providing more land for the Herero. They were not willing to allow them to settle outside the

²¹⁰ SA Police Memorandum: The Reverend Michael Guthrie Scott, 26 October 1948, BTS 1/18/59, volume 13, NASA.

²¹¹ Tribe's U.N. Delegate has Passport Voided, November 7, 1948, *New York Times*.

²¹² Cablegram from Chief Native Commissioner to Oppositely London, 23 October 1948, BTS 1/18/59, volume 13, NASA.

²¹³ Letter from Meulen to Chief Native Commissioner, 5 November 1948, BTS 1/18/59, volume 13, NASA.

²¹⁴ Letter to Malan from Kutako, October 21, 1948, BTS 1/18/59, volume 13, NASA.

Police Zone nor were they willing to purchase private (white) land and give it to the Herero.²¹⁵

At the UN, Louw began a full attack on the Fourth Committee for its examination and critique of South Africa's report on South West Africa. In a speech to the Fourth Committee on November 9, Louw stuck to the Smuts administration's claim that the report the Union provided the UN was voluntary and for the purpose of information. He believed "the United Nations [had] no supervisory jurisdiction" in South West Africa and the entire debate over the territory was pointless, as the Union would never recognize UN authority over the territory.²¹⁶ He continued to reject the idea that South Africa had either a moral or a legal obligation to submit South West Africa to a trusteeship. Louw also maintained that the process in which the Namibians were consulted in 1946 was done in a manner consistent with colonial rule throughout Africa and the majority of Africans supported incorporation with the Union, not a trusteeship agreement. As a thinly veiled attack on the less democratic members of the UN Louw claimed, the consultation took place with "complete freedom" and that "No pressure—direct or indirect—was exerted. I know of millions of people in certain countries who would be grateful if they could enjoy similar complete freedom from fear and pressure when participating in their national elections."²¹⁷ He told the UN that those who claimed that the consultation were flawed

²¹⁵ Comments on Memorandum Submitted to the Departmental Secretary of the Prime Minister by Hosea Kutako and Certain Hereros, November 6, 1948, BTS 1/18/59, volume 13, NASA.

²¹⁶ UN Press Release P/PM/141, Text of Speech by Mr. E.H. Louw (South Africa) in the Fourth Committee, 9 November 1948, Louw Papers, File 61, Archive for Contemporary Affairs, Bloemfontein.

²¹⁷ Ibid.

and did not represent the true wishes of the Africans came from “political agitators” and “from certain well-meaning persons who have little or no knowledge of conditions in South West Africa,” and so they cannot be taken at face value.²¹⁸ Louw believed people like Scott were causing problems in the territory and not respecting the traditional headman’s decision to proceed with incorporation would destroy the African population and lead to chaos within the territory.

Louw used this moment to announce that Malan and the South West African Legislature had agreed to a “closer association and integration,” but this did not constitute incorporation, merely self-government for the South West Africans.²¹⁹ He was willing to push the UN away from South Africa, but did not have either the authority or the tenacity to declare this new relationship as incorporation. Instead, it was a closer cooperation with South West Africans gaining seats in the Union Parliament, and having greater control over their internal affairs than the other provinces in the Union. The Malan administration maintained that the South West Africa Act in effect gave the territory self rule and the legislature in Windhoek chose to move closer to South Africa.

The response to Louw’s speech was overwhelmingly condemnatory. The Indian delegation in particular reacted harshly to the notion that race relations in both the Union and South West Africa were harmonious and the international community did not have an interest in the territory. Louw responded to the Indians on November 11. Instead of merely accepting criticism we went on the offensive he criticized Pandit on Indian rights

²¹⁸ Ibid.

²¹⁹ Ibid.

violations and claimed she had no right to criticize the union.²²⁰ Louw said it did not become

any delegate of India to complain of “inhuman treatment” and of “ruthlessness” when the bombings of Hyderabad are still echoing in the ears of the world, and when there is still fresh in the minds of civilised people the ruthless slaughter of tens of thousands of fellow-Asians – the Moslems of Kashmir and the Punjab, and even of Delhi, to say nothing of the hundreds of thousands who were driven from their homes which were looted and destroyed.

I repeat – it is not for a delegate of India to make charges of discrimination, of ruthlessness and of inhumane treatment. She should remember the old adage that people who live in glass houses should not throw stones – and India is at present living in a house which is constructed of particularly fragile glass.²²¹

For the remainder of his career Louw and the various Indian delegates at the UN and in the Commonwealth would have a tense relationship that often spilled into personal attacks on each other.

Cassim Jadwat, an observer for the South African Indian Congress, wrote an open letter to Louw criticizing his performance and actions before the Fourth Committee. In his letter, he told Louw

It is tragic to see the pathetic and lonely figure which you have cut at the Palais de Chaillot. You and your colleagues in the South African Delegation are unable to understand why the delegation of over 50 nations are not enamoured by your pleas, protests and warnings. In the Committee on Human Rights and now in the Trusteeship Committee, the delegation of the Union of South Africa finds itself the sole and solitary champion of a system of society which you regard as the bastion of the white man’s civilisation. You find yourself completely out of tune with the delegates of other nations. Many of these delegates have had quite a different training from yours. Some have been agitators and even prisoners. Others have been resistance leaders while many have come as representatives of

²²⁰ South Africa Hits Indian ‘Slaughter’, Rand Daily Mail, November 12, 1948, BTS 1/18/59, volume 13, NASA.

²²¹ UN Press Release, P/PM/150, 11 November 1948, BTS 1/18/59, Volume 3, NASA.

Governments which do not derive their power from a tiny minority whose only virtue to enjoy privileged society is the measure of pigmentation of their skins.²²²

Jadwat astutely pointed out to Louw that the South African delegation was not keeping up with the sweep of history. Louw's unwillingness to see that old imperial models of racism and direct control would not be maintained, particularly as UN delegations became staffed with people who spent their lives fighting imperialism.

Jadwat also wanted to discredit Louw's argument that the only people criticizing the Union were communists was not a valid argument at the United Nations and his "attempt to present the issues under discussion in another light as duel between East and West" would be unsuccessful.²²³ He countered the Nationalist's argument that the criticism of the Union both within the Union and abroad was not because of communist agitation but because Namibians and South African saw in the UN

a glimpse of hope for their future, that in spite of its limitations it is the only hope of mankind. So long as we are denied elementary human rights, so long we will appeal to UNO, India and all nations that support our fight and South Africa will continue to be represented by two delegations, the official Government delegation and that of the non-white peoples.

The discussions at UNO should be a significant reminder to you that the civilised nations of the world reject this doctrine of race and colour superiority, a doctrine which is the harbinger of fascism, the fount of countless murders. The world was plunged into the terrible holocaust of a war because the voices of protest against this doctrine were too few and feeble. But today, it is not so. Gone are the days when this doctrine was permitted to be practiced with impunity regardless of world opinion. Gone are the days when the Government of South Africa could remain comfortably in the camp of civilised governments when it continues to wield a hated doctrine. Gone are the days when the non-whites in South Africa

²²² An Open Letter to Louw from Cassim Jadwat, 19 November, 1948, Louw Papers, file 3, Archive for Contemporary Affairs, Bloemfontein.

²²³ Ibid.

remained passive spectators of their dwindling rights. They are today dynamic, no longer willing to be dumb slaves of white masters but prepared to map out their own destiny according to their desires and wishes.²²⁴

Jadwit, like Kutako, saw the UN as the forum in which their struggles and hopes could be expressed. The UN, even with its virtually non-existent authority in domestic affairs, gave hope to the oppressed in the Union and South West Africa. The shows of solidarity with Africans by Indians, Latin Americans, and other delegations gave them hope to continue their struggles for equality and freedom.

The South African attempt to portray its critics within South West Africa and the Union as communists was a direct result of the heightening tensions of the Cold War. If Union officials could frame the opposition to South African rule in Namibia as radical communists then the Americans would temper the criticisms of the United Nations. By taking this strategy, the South Africans effectively eliminated support from the Soviet Union and the Eastern Bloc, but they hoped that American support in the name of anti-communism would be strong enough to overcome Soviet opposition. The attempt to portray Kutako and other advocates for Namibians, fell on mostly deaf ears. For the Latin Americans, Indians, Arabs, and others the presence of South Africa in Namibia predated the Cold War and was not directly tied to it. For both American and Soviet delegations the struggle over colonialism was key in winning allies in the Cold War and neither nation was willing to risk the support of the Third World by appearing to directly support colonialism.

²²⁴ Ibid.

The Fourth Committee also reacted with hostility to the “closer” relationship with the Union the South West Africa Act created. Many delegates saw this as incorporation by a different name, which the UN had rejected in 1946. Louw responded to these criticisms by fiercely arguing that it was not incorporation, whether the UN believed it or not and South Africa would continue to rule South West Africa under the spirit of the mandate. For the next four decades the Union maintained the position that the mandate had never ended and the UN was not the natural successor to the League and did not have authority over South West Africa.²²⁵ Louw’s arguments did not do enough to sway the Indians or Soviets, but in the end France, Belgium, Greece, and Great Britain voted with them in the Fourth Committee.²²⁶ American support was noticeably absent in early November, something the Union desperately wanted to change.

While the Union was being roundly criticized in Paris, a South African diplomat, met with Dulles and Forrestal to discuss the strategic importance of South Africa. In his report to Malan, Water wrote that he

found both Ministers particularly interested in the strategic importance which the Union has unhappily assumed as the result of the war, and as a consequence of the liquidation of the British Empire in the East. The East had gone East in our time, and this historical process, taken in conjunction with the ideological threat of communism, had cast shadows, so I explained, upon Africa, and had affected our own lives in the South in a direct and disturbing manner. Communistic propaganda had agitated native opinion throughout the continent, while the infiltration of Indians into Africa, a slow and unconscious process in the past, had become a conscious policy which was now exciting attention among the nations and powers concerned in the development of the African Continent. These were

²²⁵ Ibid.

²²⁶ Four-Nation Bloc Supports Union on S.W.A., Rand Daily Mail, November 13, 1948, BTS 1/18/59, volume 13, NASA.

question which I suggested, the United States of America with its newly acquired world responsibility, could not afford to overlook.

Both these processes threatened the western civilisation of the Union, which, at a time of emergency, would be found to be a material factor in the strategy of the western Powers. The discovery of incalculable atomic resources, in association with our gold quarries; the place of South West Africa in the hegemony of the Union of South Africa; these were matters of inescapable significance in any intelligent strategic planning, demanding a realistic mutual understanding between our two Governments²²⁷

The Malan administration wanted to cultivate a relationship with the United States based on their fears of communist and “eastern” aggression. The United States continued to support the Union behind the scenes, but was loath to come out directly in support of the Union. US diplomats had to balance South African strategic concerns with alienating India and the rest of the “third world.” American support would take the shape of continuing Sayre’s legacy of watering down UN criticism, but still voting for and supporting the resolutions.

Michael Scott arrived in Paris at the end of the deliberations of the Fourth Committee over South West Africa. In a letter to all delegations, Scott wrote that he was sent not only by the Herero, but by the Damara’s as well, and they viewed the UN as their only hope for justice. Scott told them that he came to Paris because for three years Union officials had refused to allow Kutako and others to come in person. His support of the Hereros and other Namibians had come at great personal cost as his actions and movements had been closely monitored and interfered with by Union and US officials. In describing the conditions of the Herero he stated that they

²²⁷ Letter from Water to Malan, 18 November 1948, Louw Papers, file 3, Archive for Contemporary Affairs, Bloemfontein.

are today a landless and voiceless people threatened with moral and physical disintegration by a force over which they have no control. The lands which they occupy are occupied only at the will of their white overlords. They have appealed to the United Nations and their appeal is the appeal of all the African people against the oppression and bad faith of a state whose present standards are a menace to Western or Christian civilisation.²²⁸

Scott's call for action was predicated on the idea that the Union's policies not only defied the will of the United Nations, but was an attack on western and international values. Union officials responded to his charges by trying to discredit him in the eyes of the United Nations. Louw had forwarded Scott's police record to many friendly delegations, but this did not have the intended effect. Union officials wanted the UN to know that Scott held "no mandate to make representations on behalf of the vast majority of indigenous population of South West Africa, and has no standing whatever with Administration. He represents very small minority of disaffected natives who have no right to speak on behalf of native population as a whole."²²⁹ Louw and the Union continually argued that the Herero were an unimportant group in South West Africa and that Scott's legitimacy, if he had any, was only to speak for this small minority.

Louw's attempt to convince the Fourth Committee that the majority of the African population supported the Union was ineffective. The final report of the Fourth Committee was critical of the Union's treatment of the non-white population and demanded that the Union continue to submit reports to the UN until the territory was

²²⁸ Letter to Delegates of the United Nations from Michael Scott, November 21, 1948, Louw Papers, file 115, Archive for Contemporary Affairs, Bloemfontein.

²²⁹ Telegram from SWA Administrator to Minister for External Affairs, 22 November 1948, BTS 1/18/59, volume 3, NASA.

placed under a trusteeship agreement.²³⁰ Louw rejected the report and stated categorically that the Union was under no obligation towards the UN regarding Namibia.

On November 26, the Fourth Committee met to finalize their resolutions on South West Africa based on the Report on South West Africa. It was an acrimonious meeting that did not go particularly well for Louw. The Danish delegate and Rapporteur, Hermond Lannung, began by reaffirming the Committee's previous resolutions recommending South West Africa to be placed under trusteeship and expressing concern that the Union was planning on incorporating the territory against the wishes of the UN. Lannung also argued that if the Union was going to insist that it was going to rule through the mandate then it must submit reports as called for in the mandate. Gerona of Uruguay agreed with Lannung, saying that the Union's responsibilities did not die with the League, but were transferred to the UN.²³¹

Vijaya Pandit, the delegate of India, led the most effective charge against Louw and the Union. She argued that while the Union claimed that they had abandoned incorporation in 1946, their recent actions showed that they had not done so. Pandit believed that

the rejection of the request for the trusteeship of South West Africa, the attainment of self-government by hundreds of thousands of backward people of South Africa is permanently retarded. The truth of this becomes more evident when we remember that, in the proposed representation of South West Africa in

²³⁰ Report of the Government of the Union of South Africa on the Administration of South West Africa: Report of the Trusteeship Council, A/734, 23 November 1948, BTS 1/18/59, volume 3, NASA.

²³¹ A/PV164, Verbatim Record of the One Hundred and Sixty Fourth Meeting, General Assembly, 26 November 1948, Louw Papers, file 115, Archive for Contemporary Affairs, Bloemfontein.

the Parliament of the Union under the scheme of so-called association, the Africans will have no representation.²³²

Like many in the UN, she was concerned that if the Union pursued its plan of closer association with South West Africa, then it would permanently institutionalize white rule in Southern Africa. Pandit also was one of the first members of the UN to demand that the Union allow Namibians to approach the UN. In her speech before the Fourth Committee, she attacked South Africa's claim that the committee did not have the right to come before the UN, by pointing out that the First Committee had allowed both Arabs and Jews to speak in the debates over Palestine.

Pandit was positioning India as a leader in the anti-colonial movement, a position that her brother Jawaharlal Nehru would accept and lead until Bandung in 1955.²³³ In the most powerful section of the speech, she told the committee that the

General Assembly should know that India has no personal interest in South West Africa. Our interest is based on certain convictions. We were, until recently, a dependent country, suffering from all the handicaps of foreign rule. Our fight for freedom was based on the principle that freedom like peace, is indivisible. It was the symbol of our faith in fundamental human rights and in the dignity and worth of the human person. Today we have the proud privilege of being a member of this august body. This privilege involves corresponding obligations, and we cannot forget those who are unrepresented here today but who nevertheless aspire to freedom. Believing this as we do, we have been compelled to speak on behalf of those less fortunate than ourselves.²³⁴

²³² Ibid.

²³³ Following the Bandung Conference Nehru's credibility began to decline as many of the Afro-Asian bloc, such as Nasser saw him as too conservative in his opposition of colonialism. For an excellent description of Nehru's decline see *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for international order* edited by See Seng Tan and Amitav Acharya.

²³⁴ Ibid.

She continued by saying that this applied to all African and Asian countries and this moment is one of the earliest mentions of what will eventually be known as the Afro-Asian Bloc in the United Nations. Pandit argued, “that there are some principles for which we of Asia must stand. Of these, one is the ending of the colonial system; the other, equality between peoples and nations.”²³⁵ South West Africa was the perfect showdown for India. The Indian delegation was not only waging a war in the UN against South Africa over the treatment of Indians in the Union, but also positioning themselves as the protectors of those still under colonial rule.

Louw did not allow the attacks on the Union to go unanswered. He responded by quoting Malan’s argument that the “South African Government [was] exercising (sic) a right which has never been disputed to administer the territory as an integral part of the Union pursuant to the power granted in the original mandate,” which the South Africans believed gave them a blank check in Namibia.²³⁶ He also continued to make the argument that neither a legal nor a moral argument could compel the Union to submit a trusteeship agreement. Louw also made the now familiar argument that the UN was not the successor the league. He based his

stand particularly on these two facts. First, at the last meeting of the League of Nations, just before that organization passed out finally, the representative of South Africa—who is a member of my delegation and is here to-day—made a distinct reservation on behalf of South Africa to the effect that South Africa was going to afford to South West African another international status. Thus, on that occasion our position was formally reserved. Second, there is the further fact that the League of Nations at its last meeting—and I am saying this because there are

²³⁵ Ibid.

²³⁶ Ibid.

certain representatives who will persist in going back to the League, and I say good, for argument's sake let us go back to the old League although we hold that the United Nations is not heir to the League's responsibilities in regard to South West Africa—at its last meeting the League did not pass any resolution asking any of the mandatory powers to place any of their territories under the trusteeship system.²³⁷

The Union's maneuvers at the final League meetings were consistently used to legitimize its actions regarding South West Africa. Louw also refuted the allegations that the Union was not providing for the Namibian population by claiming that World War II prevented everyone from building adequate infrastructure and that the Union could not be condemned for choosing to fight instead of build.

The resolution passed even though many nations believed as the Polish delegation did that it was not strong enough. Resolution 227 called on the Union to not incorporate South West Africa and suggested that South West Africa be placed under a trusteeship agreement.²³⁸ While the resolution was critical of South Africa, it was not a strong condemnation, leading Louw to tell Malan “on the whole, we are satisfied,” even though he was concerned about the loss of some of their supporters, particularly those in Commonwealth countries.²³⁹

After the passage of Resolution 227, the UN turned its attentions to other matters, but Michael Scott had one last parting shot. He wrote a letter to the President of the General Assembly asking that the Herero be allowed to petition the UN as previously

²³⁷ Ibid.

²³⁸ SWA Discussions and Proceedings in the United Nations, December 1948 to December 1949, BLO PS4/11, National Archives of South Africa

²³⁹ Telegram for Malan from Louw, 27 November 1948, BTS 1/18/59, volume 13, NASA.

requested. Scott believed “the failure of South Africa to support the unanimously adopted Genocide Convention, and its abstention from the Declaration of Human Rights seem to many in South Africa as elsewhere to constitute a defiance of moral standards which the conscience of mankind is arriving to establish.” He believed this could have drastic consequences for the African population in both South West Africa and the Union.²⁴⁰ Overall, many Union officials considered 1948 to be a success even though they were increasingly marginalized at the United Nations; they believed the firm tone taken by the Malan administration strengthened their control of South West Africa in the face of international condemnation.

Malan’s actions in bringing South West Africa into closer cooperation with the Union caused problems for South Africa. Many UN delegates criticized the new relationship as incorporation by another name. Louw wrote to Sayre arguing that the “the new arrangement was not ‘incorporation,’ for the simple reason that South West Africa will have a larger measure of local autonomy than any of the existing four Provinces of the Union, in addition to having a relatively larger representation in the Union Parliament.”²⁴¹ Sayre and most UN delegates never bought this argument. The Fourth Committee in particular viewed any action by the Union that did not lead to a trusteeship agreement as violating its previous resolutions. The Union spent much of the spring of

²⁴⁰ Letter from Scott to President of UN GA, December 11, 1948, Scott Papers, File Scott Correspondence, Wits

²⁴¹ Letter from Louw to Sayre, Early 1949, Louw Papers, file 3, Archive for Contemporary Affairs, Bloemfontein.

1949 trying to convince its allies to continue to support it even as the nation moved further out of favor with the UN.

Louw told Sayre that the attacks on the Union at the UN meetings in Paris had created domestic problems. He argued that agitators and communists had seized on the UN's attacks and spread lies based upon the inaccurate criticisms from the UN to the people of the Union. Louw informed Sayre that because the Union's report on South West Africa, was used by the Fourth Committee only to criticize the Union, the Union would not be submit any more reports to the United Nations. Smuts had only submitted the first report to the United Nations out of respect, not because he recognized UN authority over the mandate and that the Malan administration would not follow Smuts' example.²⁴²

Louw also returned to the now familiar argument that the US needed the Union in the fight against communist and that South African racial policies were similar to those in the US. Responding to criticism by Sayre and Dulles, Louw admitted that the Union had discriminatory policies in place to protect the white population from the much larger black population in and around the Union. He said that the US would act in a similar way and argued "in spite of the fact that your negro population is a relatively small one, a policy of racial discrimination is in fact practised in the U.S.A.—not only in the South, but also in the rest of the Country."²⁴³ Louw believed that the average American and South African were not so different. However, the press was anti-South Africa and the

²⁴² Ibid.

²⁴³ Ibid.

American people did not get a real sense of what is going on in South Africa. He claimed that the journalists were out to get the Union and often reported verbatim what the communists and government opponents printed. Louw believed that

the white race in South Africa is fighting to survive. That is the plain fact of the matter. The Non-Europeans are demanding full political equality – and in these demands they are greatly encouraged by discussions at United Nations meeting. If these demands are conceded then another generation or two the vastly numerically superior Non-Europeans will be in full control-and that will be the end of white civilisation at the Southern end of the African Continent. Furthermore, the control will be in the hands of a Communist dominated black proletariat.²⁴⁴

Louw and other Union officials equated African demands for independence in South West Africa and against apartheid in the Union with communism. The Malan administration saw itself as not just supporting and protecting Afrikanerdom, but also as being in the vanguard of the struggle against communism.

Reflecting on the 1948 session of the United Nations, Louw told the South African Broadcasting Company that the United Nations was struggling for legitimacy. He believed that “political considerations and emotion play[ed] the leading role in UN debates,” and that this prevented complicated issues to be resolved.²⁴⁵ Louw said this led to the UN just kicking issues to the next session or doing whatever was politically expedient, which could eventually lead to the end of the UN.

The Malan administration however, could not compete with the broadside that Scott was about to unleash on behalf of the Herero. Michael Scott spent the spring and

²⁴⁴ Ibid.

²⁴⁵ Louw Radio Interview, January 6, 1949, Louw Papers, File 63.

summer of 1949 fighting incorporation and pushing for South West Africa to be placed under UN supervision. Scott made sure that everyone with even a tiny interest in the issue was briefed. In February, he wrote a letter directly to King George VI requesting him to step in and prevent the Union from following through with its incorporation bid against the wishes of the population of the territory.²⁴⁶ While there is no evidence that the king interfered, Scott's letters to others within the British government were effective. In early March, the Secretary of State for Commonwealth Relations, Gordon Walker, along with MP P. Noel-Baker, an eventual Nobel Peace Prize winner, met with a deputation representing anti-colonial and anti-racial organizations accompanied by Michael Scott, on the South West African issue.

Walker tried to control the meeting by stating that they would only discuss United Kingdom policies and not issues that were under the authority of the Union. The deputation was unwilling, however, to accept that the UK did not have the right or authority to interfere in Union affairs. C.W.W. Greenidge of the Anti-Slavery Society took the lead in demanding that the UK act forcibly in condemning South Africa's attempt to incorporate South West Africa. He told Walker that

The eyes of the world, and especially of the backward peoples of the world, are on Britain today in her policy on the disposal of South Africa, because the African people regard this as a testing ground of whether lands of African peoples are going to be preserved for them. If Britain continues to support the Union in her policy of annexation – which will result, from past experience, in depriving the African inhabitants of land – she will be branded as having supported a daughter nation which has openly repudiated that principle, and that while she has paid lip

²⁴⁶ Letter from Scott to the King of England, February 9, 1949, Scott Papers, File Scott Correspondence, Wits (also BTS 1/18/59, vol. 13, NASA).

service to the paramountcy (sic) of international trusteeship, she has supported a daughter nation which has repudiated that principle.²⁴⁷

Greenidge set the tone for the meeting by making not only a moral, but a precedent argument in Britain's lack of action. Walker had a decision to make on how the UK wanted to posture in world affairs, as either a protector of the disposed or as one of the dispossessors.

Scott would take a similar tactic arguing that the "moral integrity of the British Commonwealth" was wrapped up in South Africa's actions.²⁴⁸ He concluded with the argument that

Africans today are looking to Britain at a very critical time in the history of their people. Their status and their lands are bound up in this question, which is one of good faith and goodwill on the part of the Western civilisation and the British Commonwealth towards the African people: towards other, non-European nations, too, perhaps. This question must profoundly affect the future development of the whole continent of Africa, and especially of the British African territories. Involved in it also, as Mr. Greenidge pointed out, is the whole question of relations with the Africans. Furthermore there are many who fear that this integration, so-called, of South West Africa must be feared and must be legitimately feared as a first step in a program of openly declared expansionist aims whereby annexation is also sought of British High Commission territories, Bechuanaland and Swaziland. Such a statement was made by the Minister of Defence a few days ago and he could not understand how her attitude could be defended as long as these territories remained under Britain.²⁴⁹

Knowing this he asked how the British government could argue that they were not concerned or did not have any say in the actions of the South African government when they were still part of the empire.

²⁴⁷ Minutes of Meeting with Deputation on South West Africa, March 3, 1949, DO 35, File 3811, National Archives of Great Britain.

²⁴⁸ Ibid.

²⁴⁹ Ibid.

Walker desperately tried to walk a fine line by arguing that the UK did not support South Africa, but the British were taking the position that the Union was not legally obligated to submit a trusteeship agreement. He claimed the UK did not have authority over the Union and could not force them to do anything. Walker continued by saying that even though the Herero should be unified and morally the Union should place SWA under trusteeship they were not required to under the Charter and the UK would vote with the UN Charter not based on moral considerations. He also wanted to make sure the delegation did not report to anybody what was discussed at the meeting, only that a meeting took place. Walker did not want to tie his hands when working with the South Africans, particularly since he would not claim they had a moral obligation to submit a trusteeship.²⁵⁰

In his report to Francis Cumming-Bruce, in the Commonwealth Relations Office, on the meeting Walker wrote that, he was able to prevent a condemnatory declaration that would tie the UK to a certain policy. Walker believed that even if the British censured the Union it would “increase the influence of the hotheads among the Nationalist Party, make the Union more difficult to do business with and, in fact drive the Union to further extremes of isolationism and defiance.”²⁵¹ The British government was still willing to work with and support the Union, but the intransigence of Louw and other Union officials was causing friction in the relationship. The Malan administration’s

²⁵⁰ Ibid.

²⁵¹ Report to Cumming Bruce on Meeting with SWA Deposition, March 5, 1949 DO 35, File 3811, National Archives of Great Britain.

unwillingness to even consider negotiation was causing problems with its allies. The British maintained the position throughout 1949 that no nation was legally obligated to submit a trusteeship agreement, but they were not willing to go to much further in their support of the Union.²⁵²

In the spring of 1949, Michael Scott began working on his approach to the United Nations meetings that were going to be held in Lake Success, New York, in 1949. He wanted to avoid the difficulties he ran into during the 1948 session and tried to cultivate allies that could help him secure a visa. Scott built a close relationship with US Delegate and NAACP President Walter White. Scott wanted White to help him secure the right to petition for those in South West Africa and to recommend that the South West Africa issue should be submitted to the International Court of Justice.²⁵³

In 1949, the Union put pressure on the US to reject Scott's visa to attend the UN sessions. Scott asked Walter White to intervene on his behalf using the previous visa as a precedent.²⁵⁴ The Malan administration did not want Scott to travel to Lake Success, not just because it did not recognize his authority, but also because of the negative portrait that he would no doubt paint of the Union. Scott had written to Malan criticizing the Union's treatment of non-whites in the country. He wrote that

²⁵² Letter to J.F. Sayers from F.E. Cumming-Bruce, April 13 1949, DO 35, File 3811, National Archives of Great Britain.

²⁵³ Letter to Walter White from Michael Scott, March 15, 1949, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 4.

²⁵⁴ Letter from Scott to Leif Egland (High Commissioner for Union in London), May 1 1949, Scott Papers, File Scott Correspondence, Historical Papers, University of Witwatersrand.

to discriminate against a people on grounds of race, to obstruct and hinder the development of their divine skills and talents is a contradiction of the creative purpose in human life and society. It can have no justification on grounds of Christian belief regarding the nature of God and Man. The propagation of the Colour bar as a tenet of the Christian Gospel is a deception and a perversion of the truth for which Christ died in order that all mankind might be saved from such hatred and contempt of one another and that they might find their unity in him.²⁵⁵

Scott's activism embarrassed the Union, and South African officials did everything they could to stand in his way.

Walter White eventually intervened on Scott's behalf. He pressured the NAACP to invite Scott to the United States as an advisor, which would allow Scott to stay for the duration of the UN meetings.²⁵⁶ The Malan administration argued that Scott's communist sympathies were dangerous and that was why he should not be allowed to attend the United Nations. White dismissed this notion, claiming that the Union was afraid of Scott only because of the good things he could do for people of color. He told the NAACP board of directors "Rev. Scott has been accused of being a 'Communist' by the Government of the Union of South Africa. The charge is in my opinion ridiculous. He is charged as such because he has had the unselfishness and the courage to fight for the rights of the native population."²⁵⁷ Scott worked closely with White and the NAACP throughout 1949.

²⁵⁵ Scott to Malan, April 27, 1949, Scott Papers, File: Scott Correspondence, Historical Papers, University of Witwatersrand.

²⁵⁶ Letter to Walter White from Sartell Prentice Jr, June 9, 1949, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 4.

²⁵⁷ Memorandum from Mr. White to Mr. Wilkins and the Board of Directors, June 6, 1949, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 4.

Scott's presence at the United Nations, as well as his petitions to the Fourth Committee created precedent problems for the UN. Louw and the Union delegation argued that it was beyond the Fourth Committee's authority to examine petitions from South West Africa. He maintained the position that the Fourth Committee did not have the same authority as the Mandate Commission and so it could not hear petitions. The question of Scott appearing before any UN body was especially troublesome and rejected out of hand by Union officials, but Union intransigence made the UN more sympathetic to hearing directly from Scott.

The UN was warming up to the idea of hearing Scott because of the Union delegates' refusal to negotiate over any substantial South West African issues. The South African delegation once again informed the UN that the Union would not be submitting further reports because the United Nations did not have any authority over the mandate.²⁵⁸ The South African delegation took such a hard line because its members thought they had the support of the British and to a lesser extent the American delegations and that while most nations were against them, they may be able to take advantage of the "opportunistic attitude of the Arab states and the rather mercurial temperament of the Latin Americans."²⁵⁹ They overestimated their ability to influence the Latin American states, and the Arabs would not support them without a clear South African condemnation of Israel. The Malan administration was also operating on the

²⁵⁸ Ibid.

²⁵⁹ Letter from J. Jordaan to Secretary for External Affairs, 12 February 1949, BTS 1/18/59, volume 13, NASA.

belief that the people of South Africa were behind them. Both the *Cape Times* and *Die Burger* had written positive articles praising Louw's tough stance and refusal to back down. Most South West Africans and South Africans wanted the Malan administration to fight any encroachment into what they believed were internal South African issues.²⁶⁰ Union officials believed that they were acting within the limits of international law and the UN Charter. In their letter informing the UN that the Union would no longer be submitting reports, J.R. Jordaan, the Union's Deputy Permanent Representative, wrote that

it is the intention of the Union Government to continue to administer South West Africa in the spirit of the mandate and that the new arrangement for closer association of South West Africa with the Union of South Africa does not mean incorporation or absorption of the Territory by the Administrating Authority” The Union had supplied information to the UN in good faith and had no legal obligation to do so, “The Union Government also expressed their confidence that the Fourth Committee would approach its task in an entirely objective manner and examine the report in the same spirit of goodwill, co-operation and helpfulness as had motivated the Union in making the information available. These hopes have not been realised. Instead, the submission of information has provided an opportunity to utilise the Fourth Committee and the Trusteeship Committee as a forum for unjustified criticism and censure of the Union Government's administration, not only in South West Africa but in the Union as well.²⁶¹

Jooste, a South African delegate, reaffirmed this position in the opening session of the Fourth Committee and refused to discuss an alternative throughout the rest of the UN's

²⁶⁰ Cable from State Information in Cape Town Dispatched May 16, 1949, Eric Louw Papers, file 3, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

²⁶¹ Letter dated 11 July 1949 from Mr. J.R. Jordaan, Deputy Permanent Representative of the Union of South Africa, to the Secretary General, Annexure 1, SWA Discussions and Proceedings in the United Nations, December 1948 to December 1949, BLO PS4/11, National Archives of South Africa

meeting.²⁶² The pressure for referring the issue to the ICJ became stronger as neither the Union nor the UN would accept the other's legal position.

The delegates from the Norway, Thailand, Dominican Republic, Canada, and Liberia did not believe that further discussions at the UN would be fruitful and requested that the matter be turned over to the International Court of Justice to determine the legal status of South West Africa. These delegates were tired of the running argument between the Union and the Fourth Committee over whether or not South Africa was required to submit a Trusteeship Agreement for South West Africa.²⁶³ Eleanor Roosevelt also pushed the UN to send the case to the ICJ, believing that only that institution could solve the legal impasse.²⁶⁴

In a letter to Walter White, Roosevelt expressed concern over the role of Michael Scott at the United Nations. White and others had been pressuring the US delegation to support Scott's appearance before the UN.²⁶⁵ The NAACP opened up a salvo of press releases and letters designed to shame the US delegation into allowing Scott to give testimony.²⁶⁶ Roy Wilkins, the head of the NAACP, in a letter to CDB King of the Liberian Delegation wrote that if they helped Scott appear before the UN they would

²⁶² SWA Discussions and Proceedings in the United Nations, December 1948 to December 1949, BLO PS4/11, National Archives of South Africa.

²⁶³ Ibid.

²⁶⁴ Letter to Wilkins from Eleanor Roosevelt, November 17, 1949, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 5.

²⁶⁵ Ibid.

²⁶⁶ NAACP Press Release, November 17, 1949, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 4.

have “not only the heartfelt thanks of the natives themselves, but those of all individuals and groups who look to the United Nations for aid in redressing injustice.”²⁶⁷

The debate over Scott’s role at the UN caused a major debate on the right to petition for non-trusteeship territories. Venezuelan, Argentinean, British, and Indian delegations were concerned that allowing Scott to appear would set a dangerous precedent and they were opposed to his presence before any committee. The Mexican, Uruguayan, Cuban, Haitian, and Yugoslavian delegations all believed that Scott should be allowed to appear before the Fourth Committee and were eventually able to convince everyone with the exception of the British, French, Canadian, and Australian delegations that Scott should be allowed to appear before the committee.²⁶⁸ The decision to hear Scott took six days of deliberation that became increasingly heated.²⁶⁹ Many delegations voted to break precedent by allowing Scott to speak before the United Nations because of the intransigence of the South African delegation. The refusal of the Malan administration to back down from rejecting trusteeship and moving into a closer relationship with South West Africa seemed to many delegates as an attack on the power of the United Nations.

On November 26, 1949, Michael Scott appeared before the United Nations. To protest Scott’s presence, the South African delegation walked out of the UN. Scott’s

²⁶⁷ Letter CDB King, Chairman Liberian Delegation from Roy Wilkes, November 21, 1949, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 5.

²⁶⁸ SWA Discussions and Proceedings in the United Nations, December 1948 to December 1949, BLO PS4/11, National Archives of South Africa.

²⁶⁹ Michael Scott, *A Time to Speak*, (New York: Doubleday, 1958), 255.

speech lasted for over an hour, and in a soft stoic voice he described the horrors that the Herero had endured under German rule and the continued abuse they suffered under the South African administration. Scott's message before the UN stressed the hope the Herero had that the United Nations would end their suffering.²⁷⁰ Scott said he felt "a sense of enormous relief as [he] heard those statements, which [he] had taken down thousands of miles away by lantern-light under a thorn bush, being translated into the five United Nations languages."²⁷¹ Scott requested that the United Nations send a panel to South West Africa to see the reality of conditions within the territory. Before the Fourth Committee Scott argued that the failure of the United Nations to act in favor of the Namibian people would not just damage those in South West Africa, "the future of all Africa, and of South Africa especially," depended on UN action.²⁷² Scott ended his statement with the following prayer that Hosea Kutako had give at their first meeting.

You are the Great God of all the Earth and the Heavens. We are so insignificant. In us there are many defects. But the power is yours to make and do what we cannot do. You know all about us. For coming down to earth you were despised, and mocked, and brutally treated because of those same defects in the men of those days. And for those men you prayed because they did not understand what they were doing, and that you only came for what is right. O Lord, help us who roam about. Help us who have been placed in Africa and have no home of our own. Give us back a dwelling place. O God, all power is yours in Heaven and Earth, Amen.²⁷³

²⁷⁰ Anne Yates and Lewis Chester, *The Trouble Maker: Michael Scott and his Lonely Struggle Against Injustice*, (London: Arum Press Unlimited, 2006), 82-83.

²⁷¹ Scott, 255.

²⁷² Transcript of Scott's Speech, 138th Meeting of the Fourth Committee, November 26, 1949, Michael Scott Papers, Box 1, Rhodes House Library, Oxford University.

²⁷³ Ibid.

One commentator wrote, “this is the first time one has heard the word “Amen” at Lake Success. The silence [was] almost painful, especially since all members purposely avoided looking at the three black delegates.”²⁷⁴

Stanley Burch of the London *News Chronicle* wrote a glowing review of Scott’s speech. He stated that the “the angry matter of Africa has broken through the crust of the United Nations. This week-end has seen something new and unique happen to the Parliament of the World. To some of the delegations – Britain among them – a ‘very dangerous precedent’ was established, by allowing Scott to speak. To others, the United Nations have found their soul and recaptured the inspired mood of San Francisco.”²⁷⁵ Scott was able to do this while facing extreme pressure from not only the Union, but also other delegations. Burch believed that Scott’s speech “transformed the atmosphere of debate from arid legal disputation into a moral assize, to which the black victims have at last contributed their own evidence – a development which very few delegates expected, and which has been achieved by one dedicated man against apparently hopeless odds.”²⁷⁶ One man had at least temporally shamed the UN into considering more than just the legal, but also the moral obligations of the United Nations. Throughout the next four decades of UN debate over South West Africa and later apartheid, morality not legality would take center stage.

²⁷⁴ “Report of the Hearing of the Rev. Michael Scott before the Fourth (Trusteeship) Committee of the General Assembly of the United Nations,” by Stanley Burch of the London *News Chronicle*, November 1949, NAACP Papers, roll 4.

²⁷⁵ Ibid.

²⁷⁶ Ibid.

Following Scott's speech, the Fourth Committee passed a resolution regretting that the Union was refusing to submit reports and recommending that the matter be referred to the ICJ.²⁷⁷ Even after the speech by Scott, his supporters could not get a forceful resolution passed against South Africa. The delegations of the United States and Great Britain had once again watered down the stronger drafts to help the Union. The Fourth Session of the United Nations ended much like the previous years for the Union; the UN had formally censured the Union but, other than Scott's appearance, the Union escaped relatively unscathed.²⁷⁸

The enduring legacy of the Fourth Session of the United Nations was the transformation that Scott had begun in the Fourth Committee. While a strong resolution was defeated by the colonial powers, for the next forty years discussions within the Fourth Committee and eventually other committees would focus not solely on legal matters but on the moral implications. The debate over the future of Namibia would demonstrate that the UN should focus on right and wrong, not on technicalities.

²⁷⁷ Annex 9, *A Time to Speak*, 326-327.

²⁷⁸ SWA Discussions and Proceedings in the United Nations, December 1948 to December 1949, BLO PS4/11, National Archives of South Africa.

CHAPTER 3: OPENING THE FLOODGATES: THE ICJ, APARTHEID, AND THE RIGHT TO PETITION

The 1950s was a contentious decade in the post-war period. The Cold War heated up in Korea, the “Third World” began to flex its muscles at Bandung, and imperialism began to crumble in Vietnam, Algeria, Ghana, and elsewhere throughout the globe. As global pressure mounted to end colonialism, the United Nations strove to find a solution to the Namibian impasse. Throughout the decade, the UN tried to negotiate directly with the Union of South Africa, resolve the legal disputes through the International Court of Justice (ICJ), stop the implementation of apartheid in the territory, and Namibians fought to have their voices directly heard at the UN. Following Michael Scott’s address in 1949, the Union of South Africa and the other imperial powers argued that his presence violated the charter of the United Nations and tried to prevent him and others from speaking about South West Africa. In the face of strong British and South African resistance, Scott continued to wage his campaign for Namibia. The actions of the South African government slowly increased its isolation and the Union flirted with leaving the United Nations. South Africans became increasingly belligerent to the UN as the organization continued to push for a resolution to the South West Africa debate and became concerned with the implementation of apartheid. Namibians also began to approach the United Nations directly, and after years of struggle, they won the right to speak before the United

Nations. The 1950s was a pivotal decade in the relationship between the UN, South Africa, and the Namibian people.

One of the key issues the UN sought to resolve was over the legal status of South West Africa. Union officials had consistently argued that the mandate had lapsed with the dissolution of the League of Nations and so had the Union's obligation to the international community. The British, American, and French delegations in particular consistently supported this assertion. The majority of the Fourth Committee disagreed and believed the Union still had an international obligation, and should submit a trusteeship agreement because the UN had inherited the responsibilities of the League to oversee the territory. In order to end this debate on December 19, 1949, Trygve Lie, the Secretary General, submitted the following questions to the ICJ:

- (a) Does the Union of South Africa continue to have international obligations under the Mandate for South-West Africa and, if so, what are those obligations?
- (b) Are the provisions of Chapter XII of the Charter Applicable and, if so, in what manner, to the Territory of South West Africa?
- (c) Has the Union of South Africa the competence to modify the international status of the Territory of South-West Africa, or, in the event of a negative reply, where does competence rest to determine and modify the international status of the Territory?²⁷⁹

The Union argued that its obligation to the international community as well as the mandate had collapsed with the League of Nations and that Chapter XII of the UN Charter did not require the Union to submit a trusteeship agreement. Mandatory powers were encouraged to submit an agreement, but the Charter did not demand they do so.

²⁷⁹ International Status of South-West Africa Advisory Opinion, 1950 ICJ, pg. 7.

South African officials also argued as discussed in Chapters One and Two that at the League's final meeting, the League did not require the mandates be transferred to the UN. The Union did not present any new information, but simply rested on the arguments it had been making since 1946.

The United States prepared the main legal argument against the Union. State Department lawyers had decided the Mandate did not end with the League of Nations and the United Nations was the natural successor to the League and inherited its supervisory functions over South West Africa. Throughout the 1950s, the US government presented two different faces to the South Africans over the South West African issue. The State Department continuously called on the Union to submit a trusteeship agreement, while delegates at the UN quietly supported many South African positions. The Indian government also prepared a brief for the ICJ that not only argued that the mandate continued to exist, but that the Union had continuously violated the mandate and must submit a trusteeship agreement with the UN. Many observers viewed the case as a legal struggle between the US and the Union, and the Indian position was seen as the lesser of the reports to the ICJ.²⁸⁰ While the Indian brief may not have had the impact of either the American or South African opinion, it demonstrated to the world that India was not going to sit idly by and allow a colonial power to run roughshod over a colonial territory.

²⁸⁰ SAPA, "Union cannot Change SWA Status," 3 May 1950, *The Windhoek Advertiser*, pg. 1.

Regardless of the outcome of the ICJ decision, Malan had declared the Union would never submit a trusteeship agreement²⁸¹ and Dr. A.L. Geyer, the South African High Commissioner in London, stated the Union would continue to rule South West Africa as an integral part of South Africa.²⁸² British officials nervously watched the debates at the ICJ and the struggles of the Union to explain her actions at the UN and ICJ. As the US State Department hardened itself against the Union, Great Britain wanted to continue to work with South Africans. The British were concerned if the ICJ ruled firmly against South Africa then it would set a dangerous precedent, which could allow the UN to interfere in other dependent territories and require all metropolitan powers to send reports to the Fourth Committee. However, the British had to temper their support because of opposition to the native policies in the Union. Ultimately, the British Cabinet decided to help the Union because it came to believe that supporting the Union had more long-term benefits than negative consequences.²⁸³ The British were concerned that the rising anti-colonial feelings in the Fourth Committee and the General Assembly would spread from being opposed to South Africa, to all imperial powers. Supporting the South Africans was seen as protecting what remained of the Empire, especially with the growing power of nationalist movements throughout the world.

In the end, the decision came down to the ICJ, which on July 11 issued its ruling. The court unanimously decided that Namibia was still under the mandate. Since South

²⁸¹ SAPA, “‘SWA Won’t Be Thrown to the Wolves,’ Says Dr. Malan, 3 May 1950, *The Windhoek Advertiser*, pg. 1.

²⁸² SAPA, “Dr. Geyer’s Statement on Union and S.-W.A.,” 12 July 1950, *The Windhoek Advertiser*, pg. 1.

²⁸³ UK Cabinet Document, 1 May 1950, CAB/129/39, National Archives of the United Kingdom.

West Africa was still under the mandate, the ICJ ruled that the Union was obligated to send reports and petitions to the international community, and given that the League had collapsed, the UN had inherited the supervisory functions over the mandates. The Court also ruled that Chapter XII allowed for the transfer of mandates to the trusteeship system, but did not require the transfer. Additionally, it ruled that the Union was “not competent to modify the international status of South-West Africa,” on its own, and that it could only do so with the consent of the United Nations.²⁸⁴ The ruling was a partial victory for both the Union and the Fourth Committee. The Union still had an international obligation and could not unilaterally change the status of the territory, but it was not required to submit a trusteeship agreement. Malan responded to the decision by stating “the declaration of the International Court must appear to the ordinary man as a bundle of contradictions,”²⁸⁵ he continued by saying the ICJ ruling was only an opinion, not a binding judgment and the Union would not submit reports to the UN.²⁸⁶

The British were concerned that Malan’s adamant refusal to submit reports would hurt the Union’s position. They believed he was taking a hard line because “the adoption now of an intransigent attitude may put them in a better bargaining position when the next General Assembly meets” and because he was trying to win the general election in South West Africa in August. South West Africans were “strongly opposed to

²⁸⁴ I.C.J., Communique 50/30, 11 July 1950, available at <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=30&case=10&code=sswa&p3=6>.

²⁸⁵ SAPA, “Malan Attacks Advisory Opinion on South-West Africa,” 15 July 1950, *Windhoek Advertiser*, pg. 1.

²⁸⁶ UK High Commissioner in Pretoria, Memo: “South West Africa: Reactions in South Africa to Findings of International Court of Justice,” 27 July 1950, DO 35, file 3817, National Archives of the UK.

intervention by the United Nations in their affairs,” and if the Nationalists won the six South West African seats, the party would have a majority in parliament.²⁸⁷

The fight between the United Party and Nationalist Party in South West Africa revolved around the role the international community would play in the future of the territory. As the British High Commissioner noted, if Malan could sweep the seats in South West Africa, they could dominate the Union parliament, therefore, both parties campaigned extensively in the territory. In a speech in Windhoek, Malan drew a line in the sand stating that he “refused to bow to the United Nations Organisation. I appeal to you to support me in this attitude, and to send a message to UNO when it meets in September stating unequivocally our attitude and the wishes of South-West Africa.” Malan also said he did not want to annex or incorporate SWA, as that would cause further issues with the UN, but he would not submit a Trusteeship Agreement.²⁸⁸ He also criticized the ICJ decision stating,

“they want UNO to exercise the right of considering petitions from South-West Africa. This means that every year Michael Scot and people like him will be able to appear before UNO to insult and falsely accuse South Africa and South-West Africa. In the League of Nations we had to do with a reasonable body. The League trusted the Union and South-West Africa. But UNO is quite another body. The League never tried to force an ideology on South Africa and South-West Africa. UNO wants to thrust down our throats its ideology of equality between White and non-White.”²⁸⁹

²⁸⁷ Letter to P.C. Gordon Walker from High Commissioner in Pretoria, July 27 1950, DO 35, file 3817, National Archives of the UK.

²⁸⁸ Norman Taylor and J.A. L'Estrange, Dr. Malan Asks S.W.A. for Support on UNO Stand,” 9 August 1950, *The Windhoek Advertiser*, pg. 1.

²⁸⁹ Norman Taylor and J.A. L'Estrange, Dr. Malan Asks S.W.A. for Support on UNO Stand,” 9 August 1950, *The Windhoek Advertiser*, pg. 5.

Malan wanted the people of South West Africa to vote with him to show the UN their support for his stand and that he would not “throw South West Africa to the wolves,” or allow anyone outside South Africa to interfere with South West Africa.²⁹⁰ According to *The Windhoek Advertiser*, the speech was welcomed by South West Africans and was met with thunderous applause.²⁹¹

Smuts took a different approach to the role of the international community. He argued that Malan’s resistance to the UN weakened South Africa’s position, and the Union should work with the UN, not against it. Smuts also changed his mind once again on whether or not the Union should submit reports on the administration of South West Africa.²⁹² Smuts believed the handing over of reports to the UN was “the proper line for us to take as an act of courtesy to UNO and in the general interests of the Union itself,” and he feared if the Malan government continued its campaign of defying the UN, then it would find itself completely isolated internationally. He argued that the current problems with the UN could have been avoided if the Nationalists had continued submitting reports. Smuts argued that the submitting of reports did not undermine the Union’s sovereignty over South West Africa, and the reports built good will at the UN.²⁹³ The August, 1950 election would be Smuts’ final political campaign and even though he

²⁹⁰ Norman Taylor and J.A. L’Estrange, Dr. Malan Asks S.W.A. for Support on UNO Stand,” 9 August 1950, *The Windhoek Advertiser*, pg. 5.

²⁹¹ Norman Taylor and J.A. L’Estrange, Dr. Malan Asks S.W.A. for Support on UNO Stand,” 9 August 1950, *The Windhoek Advertiser*, pg. 5.

²⁹² V.G. Graham, “Gen. Smuts Warns S.-W.A. Against Taking Dr. Malan’s Advice,” 16 August 1950, *The Windhoek Advertiser*, pg. 1.

²⁹³ “Gen. Smuts Sends Message to S.-W.A. Electorate”, *Rand Daily Mail*, 15 August 1950, BTS 1/18/59, vol. 18, NASA.

wanted to continue to work with the UN, the United Party was fractured. J.G.N. Strauss, the head of the United Party, took a harder line than Smuts by declaring South West Africa was an integral part of the Union, and its people were inseparable.²⁹⁴ In South West Africa and the Union, the vast majority of the white population supported the closer relationship the Malan administration orchestrated and were inherently hostile to the United Nations. The 1950 election was the last time the United Party was relevant in either South African or South West African politics. After Malan's victory in both the Union and South West Africa, the United Party became fractured over the Union's foreign policy and apartheid.

Louw, too, blasted the ICJ decision arguing "that the favourable decision of the Court on trusteeship had been expected, and that the unfavourable opinions on other points were also not unexpected because the majority of the United Nations had always proceeded on the wholly unjustified assumption that the United Nations was the legal heir to the rights and powers of the League of Nations."²⁹⁵ Jordaan echoed Louw's position to the Turkish, Bolivian, and Australian delegations, adding that the Union refused to consider the submission of petitions or reports to the UN. The delegations told him that the intransigent attitude of the Union put friendly delegations in a tough position. He was told many "respected [the Union's] scrupulous honesty but that [it was] following the wrong tactics in the United Nations." Jordaan thought the Union should

²⁹⁴ "U.P. Says People of S.W.A. Inseparably Part of Union," *Rand Daily Mail*, August 5, 1950, BTS 1/18/59, vol .18, NASA.

²⁹⁵ Ibid.

focus on the court's opinion regarding trusteeship and ignore the rest. The Union should refuse to get into debates and simply state that it disagreed with the UN's position. He hoped this way they could "avoid an acrimonious debate" and this strategy would "pay us handsome dividends."²⁹⁶

Jooste adamantly rejected Jordaan's argument for a passive campaign in the UN. He argued that friendly delegations, particularly the US, were having problems supporting the Union because "to align themselves with the Union would be to estrange still further the non-white Member States whom, it is their policy to woo in the present ideological conflict."²⁹⁷ With India, Liberia, Egypt, and others questioning imperialism and the intensifying of the Cold War, the Americans were unwilling to trade the support of the Third World for South Africa. Jooste was worried if the Union did not force the issue, then the United States would try to pacify the anti-colonial body by selling out the Union.

Jooste wanted to go on the offensive and prevent any resolution or plan that allowed Michael Scott or any similar persons to testify before the UN. Jooste believed if the Union could succeed in securing watered down resolutions if they fought those who opposed them.²⁹⁸ On August 7th Jooste met with John Hickerson, Assistant Secretary of State for UN Affairs, to discuss the ICJ ruling and South Africa's actions at the UN. Hickerson told Jooste the State Department wanted to help the Union if it could, but

²⁹⁶ Letter from Jordaan to Jooste, 25 July 1950, BTS 1/18/59, vol. 18, NASA.

²⁹⁷ Letter from Jooste to Secretary for External Affairs, 1 August 1950, BTS 1/18/59, vol. 18, NASA.

²⁹⁸ Letter from Jooste to Secretary for External Affairs, 1 August 1950, BTS 1/18/59, vol. 18, NASA.

American help was conditional. The State Department agreed with South Africa that the ICJ judges who ruled the Union should submit a trusteeship agreement were out of line, but they did agree the Union should submit reports and had an obligation to the international community regarding South West Africa. Jooste attempted to convince Hickerson that because the Union supported the joint US and UN efforts in Korea, then the US should stand with the Union in the UN. When the Korean War broke out, many in South Africa did not want to work with the UN forces, but others believed that sending military aid would strengthen their cause. South African pilots in South Korea also strengthened the Union's position as an anti-communist foe, and Union officials believed they could turn this to their advantage when working with the Americans.²⁹⁹

Hickerson questioned the Union's commitment to the UN. He argued that submitting reports to the UN would demonstrate South Africa's commitment to compromise and would allow South Africa to be a full and productive member of the United Nations. Hickerson argued that the criticism of reports would not be as intolerable or harsh as the absolute refusal of the Union to submit anything. In his report on the meeting, Jooste wanted the Department of External Affairs to pay attention to the changing nature of the UN. He believed the growth of communism would push many of their "friends" to "appease Eastern and other non-white peoples," which could have a disastrous effect on Union efforts.³⁰⁰ He also believed the military efforts in Korea could set a precedent to use sanctions against those who were violating UN authority. Jooste

²⁹⁹ Letter from Jooste to Secretary for External Affairs, 9 August 1950, BTS 1/18/59, vol. 18, NASA

³⁰⁰ Letter from Jooste to Secretary for External Affairs, 9 August 1950, BTS 1/18/59, vol. 18, NASA

thought US support would dwindle as the Union moved further and further away from compliance with UN resolutions. He argued that the US wanted the UN to be a powerful force in the ensuing decades and would not do anything to weaken the UN's authority.³⁰¹ Union officials did not feel like they could count on US support as long as the Third World remained opposed to South African policies in both South West Africa and the Union. The American government did not believe South Africa was worth isolating the Third World.

Throughout the 1950s, the British tried to walk a fine line of supporting South Africa without alienating the UN. They were leery of openly defying the ICJ and UN, but were also concerned the turn against colonial powers could force them into a precarious position. Atlee informed Malan that while the British disagreed with the ICJ decision, the Union had to submit reports; they were not willing to support the Union if it completely rejected the ICJ decision.³⁰² The British believed they should support the ICJ and did not want to do anything to weaken it. They recommended the Union accept the entire decision and not focus on the issue of giving reports, because that could open up the larger issue of the right of the Union to continue to rule under the mandate. The British recommended that the Union accept the decision because it did not require more supervision than the mandate allowed. The mandate system often operated behind closed doors and the UK could then help the Union within the new committee. British

³⁰¹ Letter from Jooste to Secretary for External Affairs, 9 August 1950, BTS 1/18/59, vol. 18, NASA

³⁰² Draft Telegram from Atlee to Malan, August 1950, DO 35/3818, vol. 2973/58, no. 1, National Archive of Great Britain.

diplomats warned the Union if they were not willing to compromise then British support would disappear.³⁰³ One official went a step further believing “If the South Africans persist in their present attitude, we must inevitably tell them that we shall be unable to give them any support whatever, in which case South Africa will find herself with the whole world ranged against her at Lake Success including all the rest of the Commonwealth.”³⁰⁴ Malan, however, had backed himself into a corner by adamantly refusing to submit reports. Many Union officials were “suspicious of certain nations in the United Nations and felt that South Africa could not rely on them for any sort of fair play.”³⁰⁵ They did not believe anything they submitted would be accepted as the truth; therefore, they adamantly refused to consider submitting reports to the UN.

Michael Scott, meanwhile, was desperately trying to get to the UN for the 1950 session, against heavy South African and British opposition. In September, a campaign was started to get organizations such as the NAACP and International League for the Rights of Man to push the State Department to grant Scott a visa.³⁰⁶ Scott also wrote to Walter White of the NAACP, asking that he help him secure a visa and use his “good offices” at the UN to help secure a final victory for the Namibian people.³⁰⁷ Walter White responded by writing to Dean Acheson and accusing him of bowing to South

³⁰³ Telegram from UK Government to South African Government, 30 August 1950, BLO P.S. 4/11, vol. 8, NASA.

³⁰⁴ Memo on Discussions over ICJ Decision, 11 August 1950, DO 35/3818, vol. 2973/58, no. 1, National Archives of Great Britain.

³⁰⁵ Telegram to Prime Minister from Commonwealth Relations Office, 28 August 1950, DO 35/3818, vol. 2973/58, no. 1, National Archive of Great Britain.

³⁰⁶ Letter to Friends of Michael Scott from Nina Radista and John Pearmain, September 7, 1950, NAACP Papers, Roll 4.

³⁰⁷ Letter to Walter White from Michael Scott, 19 September 1950, NAACP Papers, roll 4.

African pressure, and then released a public broadside demanding that Scott be allowed to come to the United States.^{308 309} Eventually the State Department relented and granted Scott a visa.³¹⁰

While Scott's reputation was soaring among the activist and anti-colonial community, the white population of Windhoek had a different view of him. Robert Stinson of the BBC reported that

Every time I talked to one of them I made a sort of private bet with myself about how long it would be before I heard the name of the Reverend Michael Scott. Mr. Scott, you will remember, is an English clergyman who last year appeared before the Trusteeship Committee of the United Nations to speak on behalf of a number of African tribes in South-West and particularly the Hereros. Mr. Scott expressed the view that the Hereros were being treated unfairly by the South African Government which administers the territory under a Mandate. Now, the Europeans of Windhoek are obsessed by Mr. Scott. They complain heatedly that he spent too little time in South-West Africa, that he saw almost nothing of the way in which the Hereros live in the remote reserves, and that he didn't check his facts from official sources.³¹¹

After spending time in Windhoek, Stinson believed that the presence of Scott at the UN had caused the white population of South West Africa to dig in and become increasingly hostile towards the United Nations. Malan also continued to dig in his heels. In January of 1951, he told the Union Parliament that the UN would ultimately fail and regional organizations would take over. Malan argued the "principal duty of U.N.O. was to

³⁰⁸ Letter to Acheson from Walter White, September 21, 1950, NAACP Papers, roll 4.

³⁰⁹ NAACP Press Release: Walter White Protests Ban on Michael Scott, September 22, 1950, NAACP Papers, roll 4.

³¹⁰ For an in depth look at the relationship between Michael Scott and the NAACP see Carol Anderson's article "International Conscience, the Cold War, and Apartheid: The NAACP's Alliance with the Reverend Michael Scott for South West Africa's Liberation, 1946-1951," in the *Journal of World History* (September 2008).

³¹¹ Copy of Talk Broadcast BBC London, October 11, 1950, NAACP Papers, Roll 4.

maintain peace. But by mixing itself up with affairs of South West Africa it had begun at the wrong end of the stick.”³¹² He also stated the Indian question was a non-starter because “If United Nations succeeded in placing Indians on basis of complete equality with Europeans that would mean the end of Natal as a European country. I shall not hand over to the wolves either Afrikaans-speaking South West Africa or English-speaking Natal.”³¹³ This statement was representative of the Union position throughout the 1950s. Union officials would balk at discussing any issue they deemed an internal issue, including South African actions within Namibia.

The Herero viewed

Mr. Scott as a saintly, courageous man who, with all the odds against him, managed to bring to the notice of the world the plight of a people who were treated atrociously by the Germans and are still waiting, after thirty years of South Africa rule, for what they consider justice.³¹⁴

Scott had become the Herero’s source of hope and inspiration. Throughout 1950, Kutako desperately tried to maintain contact with Scott, but many of the letters sent between the two never made it to their final destination. In November, Kutako wrote to Mary Benson, Scott’s aide, thanking her for sending news of Scott’s success in gaining support at the UN and the ICJ decision. He also told her that the government had been intercepting his letters and confiscating those that did reach him. Mary Bensons worked without Scott throughout the late 1940s and into the 1950s. She was a South African who after reading

³¹² Telegram to Commonwealth Relations Office from U.K. High Commissioner in South Africa, 26 January 1951, DO 35/3819, vol. 2973/58, pt. 2, National Archives of Great Britain.

³¹³ Telegram to Commonwealth Relations Office from U.K. High Commissioner in South Africa, 26 January 1951, DO 35/3819, vol. 2973/58, pt. 2, National Archives of Great Britain.

³¹⁴ Copy of Talk Broadcast BBC London, October 11, 1950, NAACP Papers, Roll 4.

Cry the Beloved Country decided that she wanted to do something to change the lives of Africans in South Africa. After hearing Scott speak about Namibia, she volunteered to work for him and became his right hand, helping him organize his efforts and administering his campaigns when he became ill. The ICJ decision eventually reached Kutako via a friend, as the copies sent through the post office had been intercepted. Kutako wanted to be kept informed of the actions of the UN and since the mail was unreliable, he had created an intricate system of friends and couriers to get letters through.³¹⁵ Kutako sent a letter to Scott telling him that the post office was not reliable, but that he could receive stuff through a “friend,” but did not mention who that friend was.³¹⁶ Kutako was eventually able to forward letters to Scott and Scott forwarded them to the UN. These letters reiterated Scott’s position as his representative and requested the UN pressure the Union to allow Scott back into South West Africa.³¹⁷ Kutako also told Scott that both the Nama and Damara supported his actions at the United Nations.³¹⁸

After the ICJ decision, the Union, Scott, and the UN all tried to figure out how to go about coming up with a solution to the South West Africa issue. The Union had already decided it would not submit reports and wanted to make sure any condemnation from the UN was non-binding and weak. Union officials were assured the US and UK

³¹⁵ Letter from Kutako to Mary Benson, 25 November 1950, Scott Papers, Box 2, File SWA (Namibia) 1940s-1950s, Rhodes House, Oxford.

³¹⁶ Letter to Scott from Kutako, 25 November 1950, BTS 1/18/59, vol. 21, NASA.

³¹⁷ Letter to Secretary General of UN from Kutako, 25 November 1950, BTS 1/18/59, vol. 21, NASA.

³¹⁸ Letter to Scott from Kutako, 25 November 1950, BTS 1/18/59, vol. 21, NASA.

delegations would prevent the Fourth Committee from passing harsh resolutions.³¹⁹ Louw also wanted to emphasize that the ICJ ruled that UN supervision had to be identical to the mandate.³²⁰ Scott planned to continue to lobby the UN for more effective supervision of the territory through a trustee agreement by arguing since the Union had violated the terms of the mandate, the UN should take direct control over the territory. The UN desperately tried to come up with a solution. Throughout the 1950s, the Fourth Committee and the General Assembly created many committees and sub-committees to negotiate with the South Africans.

These conflicting goals and behind the scenes maneuverings weakened any actions the Fourth Committee proposed. Walter White described the 1950 session of the General Assembly as one of limited progress. The UN had created a Committee to examine the situation, but he was not optimistic on its outcome. However, he believed that since

The United Nations have been in process of dealing with this question for the past five years, so that it has now become the symbol, on the one hand, of African people dispossessed of their lands and rights and, on the other, of the great efforts that have been made throughout a century of colonial history to establish the principle of international accountability by administering powers who are regarded as trustees in Africa of the international community.³²¹

³¹⁹ Telegram from South African delegation to Secretary for External Affairs, 23 November 1950, Louw Papers, File 92.

³²⁰ UN Supervision over SWA in the Light of the Advisory Opinion, 22 November 1950, Louw Papers, File 92.

³²¹ Letter to Walter White from Michael Scott, 12 January 1951, John H. Bracey Jr. and August Meier, eds., *Papers of the NAACP: Part 14: Race Relations in the International Arena, 1940-1955*, (microfilm, 21 reels), reel 5

For many activists, the South West African case had become the signature issue in which to challenge colonialism. The hope and future of the colonized rested in the United Nations and it must pull together to protect those who were being abused by the imperial powers.

In 1951, the Union began negotiating with the United Nations through a series of Ad Hoc and permanent committees. The impetus behind the negotiations was an implementation of the ICJ decision of July 1950. The first Ad Hoc Committee was composed of delegates from Denmark, Syria, the US, Uruguay, and Thailand. The goal of the committee was to negotiate with the Union to try to work out an acceptable solution to the impasse over Namibia.³²² Jooste wrote to Forsyth, the new Secretary for External Affairs, that he had

doubts as to whether the Committee would be prepared to agree to an arrangement regarding South West Africa which would be realistic in the light of all the circumstances, the Government had decided to participate in the discussion in the hope that reason would prevail and that a solution would be possible. I intimated that our experiences in the United Nations had not been such as to justify undue optimism and that our people had misgivings as to whether the discussions could serve any good purpose. On the other hand, I added, we had always endeavoured (sic) to have regard to the legitimate wishes of the Organization (e.g. when we did not proceed with annexation after our plea had failed in 1946) and that the Prime Minister had decided that we should cooperate with the Committee if it was the sincere desire of that body to bring about an arrangement which would remove South West Africa as an obstacle in the way of our closer cooperation with the United Nations.”³²³

³²² UN, 5th Session, Summary Record of the First Part of the First Meeting of the Ad Hoc Committee on South West Africa, 15 March 1951, A/AC.49/SR.1.

³²³ Letter from Jooste to Forsyth, 29 May 1951, BTS 1/18/59, vol. 20, NASA.

Union officials believed the negotiations with the Ad Hoc Committee was a waste of time because each side was too far apart to have a realistic chance of coming up with a solution. They believed even if they could get the committee to come to an agreement, the Union would accept and the General Assembly would not accept the agreement. In response to these assumptions, the Union decided they would meet with the committee, but not negotiate on anything of substance.³²⁴ Jooste informed the committee that the Union would participate but he wanted to make sure the committee would have an “impartial or objective consideration of the South African case” and not act with the “emotionalism which was characteristic of debates related to the administration of dependent areas,” like the rest of the UN.³²⁵ He also told the UN that the Union decided to join the committee because it had always sought to work with the UN and it wanted to settle the South West African issue.³²⁶ The opening year of negotiations went better than expected. Both the Committee and the Union appeared to want to reach a satisfactory conclusion. However, the discussions of petitions and reports would bog down discussions in the committee. Jooste maintained that any compromise could not extend the level of responsibility present under the League and if the UN examined reports it would function in a different capacity as the Mandates Commission had.³²⁷ “The ultimate

³²⁴ Outline of Attitude to be Adopted in Negotiating with the UN Committee on SWA, BTS 1/18/59, vol. 20, NASA.

³²⁵ UN, Fifth Session, Ad Hoc Committee on South West Africa, Summary Record of the Second Meeting, A/AC.43/SR.2, 6 July 1951.

³²⁶ UN, Fifth Session, Ad Hoc Committee on South West Africa, Summary Record of the Second Meeting, A/AC.43/SR.2, 6 July 1951.

³²⁷ UN, Provisional Summary of the Eighth Meeting of the Ad Hoc Committee on South West Africa, 9 July 1951, BTS 1/18/59, vol. 20, NASA.

aim” of the Union was “that South West Africa must ‘be taken out of hand’ of United Nations” and that any agreement that did not do this was unacceptable to Malan.³²⁸ The problem was the UN would never agree to a compromise that excluded them from overseeing the mandate.

The Union tried to create a new Mandate Commission comprised of the US, Great Britain, and France who would oversee the mandate, and this new commission would send reports directly to the UN. The Union wanted to have a discussion to end the conflict and claimed it was willing to work with the international community to come to a mutually beneficial moment based on the ICJ ruling. They were willing to work with the UK, France, and US because they were the principle allied powers who created the League after WWI, and were deemed reliable by Union officials. The Union claimed this was a major compromise from previous Union positions because it was no longer arguing that the mandate had lapsed, and were willing to accept some measure of international responsibility for South West Africa. Union officials believed this would pacify the Fourth Committee by accepting the “creation of machinery for judicial supervision through the International Court.”³²⁹ Union officials also believe the above measures would conform to the ICJ’s recommendation. In a meeting with the American delegation, The South Africans were told the US would support this move; however, the UN Committee on South West Africa refused to accept any compromise they were not a part of. Union officials argued nations that were not part of the League of Nations could

³²⁸ Telegram to Jooste from Secretary for External Affairs, 11 July 1951, BTS 1/18/59, vol. 20, NASA.

³²⁹ Letter from R. Jones, Secretary for External Affairs, 25 September 1951, BDH 170, NASA.

not have a say in issues dealing with the mandate. Since many of the members of the Fourth Committee and Committee on South West Africa were not part of the League, the Union did not want to discuss the mandate with them. The South Africans were also concerned the resolution that created the Committee on South West Africa called for the protection of Human Rights in Namibia.³³⁰ The inclusion of Human Rights in the language of the Committee's proposals struck a chord with the Malan Administration because they did not exist under the Mandate.³³¹ The South Africans were opposed to any discussions of Human Rights, as they believed them to be outside the scope of the United Nations and a direct violation of state sovereignty.³³² South Africa's opposition to Human Rights put Namibian activists in a tough situation. Any negotiations that included Human Rights rhetoric was immediately dismissed by the Union, and yet as apartheid advanced into Namibia, it was a key aspect of their struggle. Much like the NAACP did in the era, Namibians, Scott, and their supporters were careful to argue for human rights without using the language of the UDHR.³³³

In a well-publicized speech, Louw claimed that South Africa was a "victim of . . . unwarranted interference in domestic affairs," and warned any other member state could

³³⁰ Letter from R. Jones, Secretary for External Affairs, 25 September 1951, BDH 170, NASA.

³³¹ Department of External Affairs Circular, 25 September 1951, BTS 1/18/59, vol. 21, NASA.

³³² For an indepth and excellent look at South Africa's attitude towards Human Rights in this era take a look at Jeremy Shearar's book *Against the World: South Africa and Human Rights at the United Nations, 1945-1961*.

³³³ Carol Anderson's book *Eyes off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955*, demonstrates how the NAACP also had to avoid using the language of Human Rights in order to gain support in the United States.

be next.³³⁴ He believed the UN and South Africa were at a crossroads because most members were hostile towards the Union's racial policies. Even western nations that the Union supported openly attacked South Africa. He said "they [were] obsessed with the slogan of 'Human Rights', even though many of them do not give practical effect to those rights in their own countries."³³⁵ Louw questioned the UN's existence, arguing it had continuously violated its Charter and was on the brink of falling apart. He warned if it continued to violate the Charter by interfering with the internal affairs of states, then the UN would not last. He argued that the lack of full participation in the Korean War demonstrated the UN could not get a majority of its members to act, as South Africa had in support of the UN forces in the war.³³⁶

Louw was particularly concerned with the Fourth Committee's insistence that Scott and Kutako should be allowed to give oral petitions before the committee. In early November 1951, Naser, the Secretary for South West Africa, received a request from Kutako and Festus Kandju, which requested permission from the administration to visit the UN meetings in Paris.³³⁷ Scott, Kutako, David Witbooi, Nikanor Hovaka and Thphilus Katjuongua all requested hearings before the Fourth Committee and in November, the committee decided to allow them to appear before them and asked the

³³⁴ Speech by Louw, 30 November 1951, Louw Papers, volume 37, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

³³⁵ Speech by Louw, 30 November 1951, Louw Papers, volume 37, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

³³⁶ Speech by Louw, 30 November 1951, Louw Papers, volume 37, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

³³⁷ Letter to Naser from Kutako and Kandjii, 9 November 1951, BTS 1/18/59, vol. 22, NASA.

Union to facilitate their travel to the UN.³³⁸ The decision to allow Namibians to address the UN caused a firestorm of accusations and negotiations between the Union and the Fourth Committee. The Union argued the Fourth Committee was only able to hear petitions from trustee territories and South West Africa was not under the Trustee System. Union delegates claimed once again the vast majority of Africans supported South African rule and those who requested a hearing did not have the authority to do so. They also argued the Fourth Committee did not have the legal right to hear petitioners from South West Africa. Only the British, French, Belgium, and Australian delegations joined the Union in protesting the request. The Union delegation realized that preventing the Namibians from traveling to Paris would allow Scott to once again speak before the United Nations, but this was better than having Kutako directly attack the Union. Donges wanted the Union to ignore the invitations, rather than fight them with the hope that the situation would eventually dissipate.³³⁹

The British delegation worried about the precedent that oral hearings by citizens from a non-trustee territory would set. If the Fourth Committee heard petitioners from Namibia, then they could claim it had jurisdiction to hear petitions from other non-trust territories. The British, as well as the French, wanted to make sure the UN did not become a forum for anti-colonial activity. They referred to the Latin Americans, Arabs, and others who supported oral petitions as the “Crazy Gang.” The British believed there

³³⁸ A/C.4/190, 16 November 1951, Scott Papers, Scott Box 2, SWA (Namibia) 1940s-1950s, Rhodes House Library, Oxford.

³³⁹ Emergency Telegram from Donges to Malan, 17 November 1951, BTS 1/18/59, vol. 22, NASA.

would not be a strong resolution in 1951 because of the Crazy Gang's intransigence and the Union's "extreme touchiness." They were also concerned with maintaining a strong relationship with the Union. The British hoped everything would work out eventually because as "far as United Kingdom-Union relations are concerned the United Kingdom Delegation are in very close touch with the South Africans at Paris and are sure that the South Africans will have no hard feelings about us; on the contrary they know that we are doing our best to help."³⁴⁰

The South Africans were adamantly opposed to Kutako and other Namibians traveling to the United Nations. *The Star*, a liberal English newspaper in South Africa, wrote the Union should allow Kutako and the others to travel because they could not damage the Union more than it was doing itself by turning South West Africa into a prison and refusing to allow Namibians to leave.³⁴¹ Donges wrote to Malan saying the Union should refuse passports for the Namibians because they "do not (repeat not) wish to be party to improper and illegal action of Fourth Committee. Moreover, communication addressed to Kutako by Secretariat ignore[d] correct official channels which strengthens our position." He was also concerned that Herero in Botswana could make it to the UN if the Union refused to allow Kutako to travel.³⁴²

Kutako was waiting to hear back from Naser on whether or not he would be allowed to travel to Paris. Naser told him that passports could only come from the Union

³⁴⁰ Confidential Memo on South West Africa, 25 November 1951, DO 35/3820, vol. 2973/58, National Archives of Great Britain.

³⁴¹ "Let the go to Paris," November 22, 1951, *The Star*, BTS 1/18/59, vol. 22, NASA.

³⁴² Telegram from Donges to Malan, 20 November 1951, BTS 1/18/59, vol. 22, NASA.

government and he had not yet heard back from them. Kutako was also recovering from an illness and he was worried about traveling. However, he felt that it was his duty to represent his people and for most of November, he had been waiting in a tiny house in Windhoek for his passport.³⁴³ Throughout his illness, Scott sent reassuring letters to Kutako. All of the expenses for his travel would be paid out of fund that had been set up to care for Scott when he was sick in 1950. Scott would handle all of the travel arrangements and encouraged Kutako not to let anyone talk him out of coming to Paris. Scott told Kutako “that now is the time for you to speak yourself and tell the story of your people as you have known it and lived through it. No-one but the people themselves can tell their own story and the United Nations wants to know the whole truth about it in exact detail from the earliest time you can remember until to-day. No-one must fear the truth either to tell it or to hear it.”³⁴⁴

As the South Africans stalled in officially denying Kutako’s passport, Scott’s associate Mary Benson traveled to Windhoek to lobby Naser into allowing Kutako to travel. Mary Benson pushed Naser to advance the passports as the UN expected the Herero by December 9th. There was only enough money for a representative and a translator, and she believed Kutako would be well enough to make the trip but that action needed to happen soon.³⁴⁵ Benson tried to reassure Naser that her presence in Windhoek was not malicious. She told him that she had arrived on November 26th to facilitate

³⁴³ Cable to *Observer*, 30 November 1951, BTS 1/18/59, vol. 22, NASA.

³⁴⁴ Letter to Kutako from Scott, 17 November 1951, Scott Papers, David Astor Box, Correspondence with Michael Scott file, Rhodes House Library, Oxford.

³⁴⁵ Letter from Mary Benson to Naser, 1 December 1951, BTS 1/18/59, vol. 22, NASA.

Kutako's trip to the UN. She met with Kutako in the Church Hall and once in the native location to help him fill out travel documents. Benson also gave a presentation to the Herero in which she described the actions of the Fourth Committee. She told them while the colonial powers did not want Kutako to travel to the Paris, the rest of the members of the UN wanted to hear their story. Naser told Benson that she was only getting the Herero's hopes up and was not actually helping them. She responded to this by saying that Kutako and the others never really believed the South Africans would let them travel to UNO but they had to try.³⁴⁶ While in Windhoek, Benson met with the Chief Native Commissioner, who she reported was helpful but expressed a negative attitude towards "meddlers like [her] who came for a few days, involved the simple tribesmen in complicated discussions, raised their hopes, then went off and left them in the lurch."³⁴⁷ She said the South Africans were particularly angry with the UN for sending the invitation to Kutako and the others directly instead of through them. Benson also commented that the European population of the territory complained about misinformation spread at the UN, but did little to correct it or help the African population.³⁴⁸

In early December, the Fourth Committee invited Michael Scott to appear before them since South Africa had prohibited the requested chiefs from arriving. In his

³⁴⁶ Letter from Benson to Naser, 3 December 1951, BTS 1/18/59, vol. 22, NASA.

³⁴⁷ Letter to Tomlinson from Mary Benson, 5 December 1951, Scott Papers, David Astor Box, Correspondence with Michael Scott file, Rhodes House Library, Oxford.

³⁴⁸ Letter to Tomlinson from Mary Benson, 5 December 1951, Scott Papers, David Astor Box, Correspondence with Michael Scott file, Rhodes House Library, Oxford.

address, he called on the UN to send an impartial commission to South West Africa, to investigate the situation in the territory. He also called on the UN to give assistance to Namibians under South African rule. He told them the UN was of “great importance in the eyes of Africans as a force for liberation and justice and it is for this reason as well as from respect for international law that many people from different parts of the world have tried strenuously to secure the presence of these African chiefs at the Trusteeship Committee when matters of such great importance to them are being taken up.”³⁴⁹

Dr. T.E. Donges, the South African Representative, refused to participate in the proceedings and withdrew the South African delegation from the Fourth Committee. He argued the Committee had overstepped its bounds and had ignored the ICJ decision. The ICJ ruled that the mandate was still in effect, and the UN could not hear petitioners because that exceeded the authority of the Mandate Commission.³⁵⁰ As a result of the Fourth Committee’s invitation to Kutako, the South African delegation announced they would not participate in the committee’s deliberations. Jooste told the Fourth Committee that the Union had been willing to discuss the Ad Hoc Committee’s report, but the actions of the committee showed it had “disregarded the specific instructions of the General Assembly as to the manner in which petitions should be dealt with” and the Union could not support that violation.³⁵¹ Malan announced South Africa’s withdrawal

³⁴⁹ Michael Scott, Statement before the Fourth Committee, 8 December 1951, DO 35/3822, vol. U2973/58, National Archives of the United Kingdom.

³⁵⁰ GA/T/20, 5 December 1951, Scott Papers, Scott Box 2, SWA (Namibia) 1940s-1950s, Rhodes House Library, Oxford.

³⁵¹ Text of Letter handed by the Leader of the South African Delegation to the President of the General Assembly on 24th November, 1951, BTS 1/18/59, vol. 22, NASA.

from the Fourth Committee was only temporary. He stated the Union wanted to remain in the UN but the actions of the Ad Hoc Committee on South West Africa would determine whether the Union would come back into the UN.³⁵²

The Union's withdrawal was an extreme reaction and was met with mixed reviews in the General Assembly. Tweedsmuir, a UK Delegate, called on the UN to focus on negotiating with the Union rather than antagonizing it by inviting the chiefs to come before the Fourth Committee, which only heightened the problems between the UN and the Union.³⁵³ The UK press, unlike Tweedsmuir, did not blame the UN, but the Union for the failure of the negotiations and roundly criticized the Union for withdrawing.³⁵⁴ Most nations in the UN, particularly the non-colonial powers, reacted angrily and called on Scott to speak before the Fourth Committee.³⁵⁵ This only exacerbated the problem and eventually led to the Union withdrawing from the General Assembly as well.

Malan justified the Union's withdrawal from the Fourth Committee by stating that

From the outset South Africa – and even before the issue proper had come under discussion – has been injured in its good name, defamed and insulted. And in conflict with the United Nations own Charter and rules of procedure, contact has been made over our heads with individuals in South West Africa and Mr. Michael Scott, a well-known hostile and fanatical foreigner and agitator has been called upon to give evidence against us. The rights allocated to us under the Treaty of

³⁵² SAPA, "UN Committee on SWA: No Reply Yet," 16 May 1952, *Windhoek Advertiser*, pg. 6.

³⁵³ Tweedsmuir, Speech delivered in the Fourth Committee, 10 December 1951, DO 35/3822, vol. U2973/58, National Archives of the United Kingdom.

³⁵⁴ Telegram from Union High Commissioner in London to Secretary for External Affairs, no. 445, 18 December 1951, BLO PS 4/11, vol. 8, NASA.

³⁵⁵ Telegram from South African Delegation to UN to Secretary for External Affairs, 6 December 1951, BTS 1/18/59, vol. 22, NASA.

Versailles have been violated. The United Nations have committed aggression against us.³⁵⁶

Malan recalled Donges and announced the Union would be withdrawing from the General Assembly. Malan argued that Smuts misjudged the UN even though it was partially his creation and by asking for permission to incorporate SWA and submitting reports, he unintentionally opened the Union up to criticism that Malan believed threatened the security of the Union. He finished by saying “the honour and the right and even the freedom of South Africa are at stake. And most certainly we will not leave South West Africa in the lurch.”³⁵⁷ He also made it clear the Union had not terminated membership in the UN but that it would not be participating in the General Assembly or the Fourth Committee. The Union also promised to continue to work with the UN in Korea.³⁵⁸

The official word from the UK government over South Africa’s withdrawal was one of tacit support. Percival Liesching, a UK delegate, commented the Union had acted with dignity and the Union withdrawal might cause the moderates in the Fourth Committee to rethink their actions and will hopefully work with the colonial powers. He intimated the “more responsible countries of the West” would be harmed if the Union left the UN. He cited Union support for the Korean War and the creation of a NATO Middle

³⁵⁶ Statement by the Hon. D.F. Malan on the S.W.A. Issue at the United Nations, 13 December 1951, BTS 1/18/59, vol. 22, NASA.

³⁵⁷ Statement by the Hon. D.F. Malan on the S.W.A. Issue at the United Nations, 13 December 1951, BTS 1/18/59, vol. 22, NASA.

³⁵⁸ Statement by the Hon. D.F. Malan on the S.W.A. Issue at the United Nations, 13 December 1951, BTS 1/18/59, vol. 22, NASA.

East Command as signs of Union/Western solidarity.³⁵⁹ Liesching was concerned the loss of Union support would be a heavy blow to the West in the Cold War in general, but particularly in Korea.

Jooste stayed in Paris and tried to judge the strength of the commitment of the Western powers to the Union. He met with the ambassadors representing the administering powers in order to gauge whether or not an indictment of the Fourth Committee in the General Assembly was worthwhile. While many of the ambassadors were concerned with the actions of the Fourth Committee, the Dutch were the most in honest saying they were unwilling to “take their stand on the South West Africa issue,” because “Union policies [were] suspect and unpopular and the chances of rallying strong support for us [were] not strong.”³⁶⁰ Jebb, a British official, believed the “present position was unsatisfactory and that unless the Fourth Committee was prevented from continuing its unconstitutional action, a wedge would be driven in between the administering and other powers.”³⁶¹ Keith Officer of Australia was frank with Jooste stating that while the actions of the Fourth Committee were suspect, the South Africans would be lucky to get ten supportive votes in the General Assembly and that a united stand would cause more problems than it would solve. He suggested that higher-level

³⁵⁹ Telegram from Union High Commissioner in London to Secretary for External Affairs, no. 446, 18 December 1951, BLO PS 4/11, vol. 8, NASA.

³⁶⁰ Memo on Discussions with Mr. Von Balluseck of the Netherlands, 22 December 1951, BTS 1/18/59, vol. 23, NASA.

³⁶¹ Memo on Discussion with Sir Gladwin Jebb, 24 December 1951, BTS 1/18/59, vol. 23, NASA.

officials discuss the problem and would not commit the Australian delegation.³⁶² The French Deputy Foreign Minister Maurice Schumann expressed sympathy with the Union delegation and was concerned the Fourth Committee could decide to investigate French North Africa next. Schumann was in favor of acting against the anti-colonial faction, particularly the Arabs, but he would not move without British and US support.³⁶³ Wilson of New Zealand was non-committal, stating it was his government's position that the ICJ decision be enforced and perhaps the Fourth Committee's invitation to the Herero be referred to the ICJ, but he would not rule out attending a meeting to discuss the issue.³⁶⁴

Jooste also approached the Canadians even though they were not an administering power but part of the Commonwealth. The Canadian ambassador Johnson was noncommittal, but said that the problem was worrying the Canadian Foreign Minister. Jooste argued even if a resolution condemning the Fourth Committee would not pass through the General Assembly, if all the colonial powers took a stand they might be able to stem the tide of anti-colonial aggression.³⁶⁵ M. Van Langehove of Belgium informed Jooste that Belgium had always supported the Union in regards to Michael Scott and the invitation of the Herero, but wanted him to know the Belgians and the others only supported the Union in this constitutional issue, not on their racial policies.³⁶⁶

³⁶² Memo on Discussions with Sir Keith Officer, 24 December 1951, BTS 1/18/59, vol. 23, NASA.

³⁶³ Memo on Discussions with M. Maurice Schumann, 26 December 1951, BTS 1/18/59, vol. 23, NASA.

³⁶⁴ Memo on Discussions with Mr. Wilson, 26 December 1951, BTS 1/18/59, vol. 23, NASA.

³⁶⁵ Memo on Discussions with Mr. Johnson, 27 December 1951, BTS 1/18/59, vol. 23, NASA.

³⁶⁶ Memo on Discussions with M. Van Langehove, 28 December 1951, BTS 1/18/59, vol. 23, NASA.

After conferring with his government, Wilson told Jooste that his delegation would not cosponsor any resolution and would want to see the text before they would commit themselves in support. He also told Jooste the New Zealand government was unsure if a failing resolution would be beneficial.³⁶⁷ After consulting with his government, Officer said the Australians thought it was unwise to bring up the matter in the General Assembly, but he would be willing to discuss the issue at a Commonwealth meeting.³⁶⁸ The Dutch told Jooste while they wanted the Fourth Committee to clarify its relationship/obligations to administering nations they did not think the Union's suggestion was the best way to go about it.³⁶⁹

The British also vetoed the idea of indicting the Fourth Committee and thought it would only weaken the Union's position further and the Union should abstain from doing more damage to itself. Jebb also implored the Union to remain in the UN and resume full participation. He stated that leaving only helped the Union's enemies and would make things for difficult for South Africa. Jooste informed him that it was the intention of the South African Government to continue with their resolution even without the support of the other administering powers.³⁷⁰ Jooste finally got around to seeing the American delegation on January 3, after being informed by the others that his tactics would be unsuccessful. Phillip Jessup told Jooste that he would confer with his government but was not supportive of the measure. On his way out, Jooste told Jessup it was the position

³⁶⁷ Memo on Second Discussion with Wilson, 29 December 1951, BTS 1/18/59, vol. 23, NASA.

³⁶⁸ Memo on Second Discussion with Sir Keith Officer, 2 January 1952, BTS 1/18/59, vol. 23, NASA.

³⁶⁹ Memo on Second Discussion with Van Balluseck, 2 January 1952, BTS 1/18/59, vol. 23, NASA.

³⁷⁰ Memo on Second Discussion with Sir Gladwin Jebb, 2 January 1952, BTS 1/18/59, vol. 23, NASA.

of his delegation that the American policy of appeasement had encouraged the Fourth Committee to act irresponsibly and implied things would only get worse if the US continued appeasing the anti-colonial faction.³⁷¹ Even before the negative reactions of the Administering powers, Jooste had started to doubt whether their resolution would be added to the agenda of the General Assembly.³⁷²

Following the meeting of the Commonwealth countries, the Union was even more discouraged. While all expressed hostility to the actions of the Fourth Committee, none were willing to support South Africa and many would abstain rather than vote with the Union if the resolution made it to the floor of the General Assembly. Even those that did support the Union would “be embarrassed and will do so reluctantly.”³⁷³ Donges pushed for backing away of the proposed resolution and instead hoped the “old Commonwealth” countries would speak against the Fourth Committee’s resolutions and then abstain, which would do more good than alienating the rest of the Fourth Committee. He believed this strategy would put the Union in the best position the next year to push against the Fourth Committee. Donges also recommended the Union not work with the Ad Hoc Committee.³⁷⁴ Events in the Fourth Committee started to catch up to their negotiations. Rumors floated that the Fourth Committee would pass a resolution condemning the Union for not giving travel documents to the Union, which would bring

³⁷¹ Memo on Discussion with Phillip Jessup, 3 January 1952, BTS 1/18/59, vol. 23, NASA.

³⁷² Telegram from Jooste to Secretary for External Affairs, 30 December 1951, BTS 1/18/59, vol. 23, NASA.

³⁷³ Telegram from Donges to Malan, 5 January 1952, BTS 1/18/59, vol. 23, NASA.

³⁷⁴ Telegram from Donges to Malan, 5 January 1952, BTS 1/18/59, vol. 23, NASA.

up the constitutional issue without the Union having to submit its own resolution. The French also told Jooste if the US and GB voted with the Union so would they, but that all administering powers would speak against the Fourth Committee's resolution and abstain at worst.³⁷⁵

The Union plan to weaken the Fourth Committee never got off the ground. None of their allies was willing to challenge the Fourth Committee. All of the imperial powers wanted to limit the power of the Fourth Committee, but they were not willing to risk its ire. The UK's legal counselor, Fitzmaurice, poked holes in all of Donges' plans and weakened his resolve. Tweedsmuir described Donges as "nothing if not practical, in contrast to his government," but he did not have leg to stand on. Tweedsmuir was also concerned the Union delegation was going to try to blackmail the UK into supporting them, but was not sure how.³⁷⁶ He thought Union officials might threaten to annex the protectorates of Botswana, Lesotho, and Swaziland if the UK did not support South Africa in its struggle against the Fourth Committee. Tweedsmuir also discussed the South West Africa issue with Scott. He found Scott to be "quite open about everything," but warned him not to push for sanctions as that would only make matters worse.³⁷⁷

Back in Windhoek, Kutako and the others were still waiting to hear back about their passports and they began an intense letter writing campaign to the press in order to

³⁷⁵ Telegram from SA Delegation to UN to Secretary for External Affairs, 8 January 1952, BTS 1/18/59, vol. 23, NASA.

³⁷⁶ Letter to Sir Percy from Tweedsmuir, 7 January 1952, DO 35/3822, vol. U2973/58, National Archives of the United Kingdom.

³⁷⁷ Ibid.

get permission to travel. Kutako wrote to South African Press Association that “We think the biggest world organisation – the United Nations- would free us and restore happiness and brotherhood to the South-West African tribes by placing South-West Africa under the international trusteeship of the United Nations,” and if their passports were refused then a UN delegation should come to South West Africa.³⁷⁸ Things would get worse for Kutako’s hopes before they got better. In November, the Union had declared Scott a prohibited immigrant and officially barred him from ever returning.³⁷⁹ Scott still held sway at the United Nations. On January 15, 1952, he spoke before the Fourth Committee so they would know the “whole truth” of the situation in South West Africa. Scott wanted the UN to know while he had not been told why he was declared a prohibitive immigrant to the Union, it might be for more than just his appearance at the UN. While stating he was not a communist, he admitted he had worked with “what are regarded as undesirable movements in South Africa,” that he joined “from a belief that they were leading resistance to racialism, Nazism or imperialism.”³⁸⁰ Scott wanted to make sure all the facts were in and to show South Africa that dialogue was important. He expressed the desire that both the Union delegation and the South West African Chiefs could be at the Fourth Committee to clear the air and have a true conversation on conditions in South West Africa. Scott said since he cannot travel to South West Africa

³⁷⁸ Telegram from secretary for External Affairs to South African Delegation to the UN, 10 January 1952, BTS 1/18/59, vol. 23, NASA.

³⁷⁹ Letter from Hurter, Union Secretary of the Interior to Scott, 19 December 1951, DO 35/6940, file 11/17/1, National Archives of the United Kingdom.

³⁸⁰ Statement to Fourth Committee by Michael Scott, 15 January 1952, Scott Box 2, SWA (Namibia) 1940s-1950s, Rhodes House Library, Oxford.

and Kutako cannot travel to the UN, it is his request that the decisions and conversations at the UN be delivered to Kutako to ensure he is kept informed. Scott also wanted to notify the UN of two letters that he received from South West Africa. Kutako's letter was full of hope and stated the Herero were "determined to fight this battle up to the end." The other letter from David Witbooi expressed a different sentiment. The Nama were "very downhearted" because they felt they were being ignored by the government and they have been unable to hear what was happening at the UN. Witbooi wanted "to know whether the United Nations are thinking of us in South West Africa; and whether they are making inquiries about our living in South West Africa."³⁸¹ Scott wanted to make sure the Nama and Damara were not left out of the deliberations at the UN and he called upon the UN to "establish its jurisdiction in that territory where the creative spirit of God is defied and civilisation is called 'white'."³⁸² The next day, the Herero were officially denied a passport.³⁸³

Donges responded angrily to Scott's and the Ad Hoc Committee's attacks on South Africa. He criticized the Ad Hoc Committee because the constraints placed upon it made it impossible for it to negotiate an acceptable solution with the Union representatives. Donges was also very upset that the Fourth Committee invited Scott and the Herero Chiefs to come speak before them. He questioned why the Herero were

³⁸¹ Statement to Fourth Committee by Michael Scott, 15 January 1952, Scott Box 2, SWA (Namibia) 1940s-1950s, Rhodes House Library, Oxford.

³⁸² Statement to Fourth Committee by Michael Scott, 15 January 1952, Scott Box 2, SWA (Namibia) 1940s-1950s, Rhodes House Library, Oxford.

³⁸³ Telegram from Secretary for External Affairs to Secretary for South West Africa, 19 January 1952, BTS 1/18/59, vol. 23, NASA.

invited to come to the Fourth Committee, since discussions were focused on finding a solution to the legal impasse not conditions within South West Africa. Donges did not believe the Herero were prepared to testify on that issue. He also had a problem with the idea the Damara were working with the Herero because he believed the Damara were slaves to the Herero before Europeans liberated them and they would not work with their captors. He cited a telegram signed by Augus Gariseb, Abraham Gariseb, Johannes Griseb and Hans Uirab, all Damara headmen, that stated the Damara did not support the Herero and they “have confidence in the Government” and trusted it to protect their rights. Donges used this information to question whether Scott really represented the Damara or just the Herero. He also argued that Scott’s support from the Nama only represented a fraction of the Nama in South West Africa (400 out of 23,000). Donges told the UN the only reason the Fourth Committee passed a resolution was to attack South Africa and that South Africa had certain rights as a member state to fair treatment, which they have not been receiving. He said, “For the past five years, with almost monotonous regularity, we have had to endure these outrageous insults from countries whose energies could have been far better employed in sweeping before their own doors.”³⁸⁴

Donges accused members of the Fourth Committee of not honoring the Charter of the UN, which the ICJ declared did not force South Africa to submit a trusteeship agreement. However, the Fourth Committee acted as if South West Africa was already a

³⁸⁴ “Destroy this Evil which Threatens to Destroy the Organization,” Speech by Dr. T.E. Donges, 18 January 1952, BLO P.S. 4/11, vol. 8, NASA.

trust territory by inviting the Herero to Paris. He argued that the actions of the Fourth Committee was a danger to the UN and that

South Africa has, therefore every right to claim its rights under the Charter—nothing more, but also nothing less. Foremost among those rights is the right to know definitely where we stand in regard to the Charter—where the United Nations stand. Are our rights and duties to be determined by the provisions of the Charter, as conceived and understood by its authors, or by a fortuitous majority of votes in a committee often founded on political expediency or prejudice? ³⁸⁵

He argued the Union was a strong member of the UN, which was demonstrated by Union support in the Korean conflict. South Africa, according to Donges, had been doubly penalized because they were refusing to discuss matters that were internal matters and have been attacked on its positions, but because the Union believed in the Charter the South African delegation refused to comment on the hypocrisy of its critics. Donges warned if this pattern continued then the UN itself would fail because the Charter would mean nothing if nations tear the UN apart by constantly interfering the domestic concerns of a member state.³⁸⁶

Tweedsmuir felt sympathy for Donges. He wrote that Donges was having a hard time because he was the only Union official that believed in compromise, but he was unable to because he was ordered to fight to the last. Donges had also alienated the Americans by being rude to Roosevelt, and Tweedsmuir believed he had overestimated the support he would receive from the Commonwealth. Tweedsmuir thought the UK

³⁸⁵ “Destroy this Evil which Threatens to Destroy the Organization,” Speech by Dr. T.E. Donges, 18 January 1952, BLO P.S. 4/11, vol. 8, NASA.

³⁸⁶ “Destroy this Evil which Threatens to Destroy the Organization,” Speech by Dr. T.E. Donges, 18 January 1952, BLO P.S. 4/11, vol. 8, NASA.

should be prepared for the possibility of a complete withdrawal from the UN and Korea by the Union if conditions continued to deteriorate. He was not impressed with Scott's speeches, but Scott had started a discussion over whether the UN should send a group to South West Africa to investigate the conditions of the territory. Even if he was unimpressive before the UN, Tweedsmuir acknowledged the following about Scott.

One fact is inescapable. Michael Scott is now regarded as the champion of the poor and oppressed of the non-White world, by a growing number of people in a growing number of countries. Nothing can stop the steady momentum of his reputation. If we could only find some crusade for him to follow which ran parallel to our own ideas he would be a tremendous source of strength to us. If we are regarded as perpetually opposed to him our cause will suffer heavy moral damage.³⁸⁷

He also wrote "our stand will be misrepresented and misunderstood all over the world" because they did not censure the Union and voted against hearing Scott.³⁸⁸ For those who supported Scott and his quest to end South Africa's control of Namibia, all who worked with and not against the Union were suspect. Tweedsmuir and others within the British government were concerned that by not criticizing the Union they were part of the problem, not the solution.

In the end, the Fourth Committee passed a resolution condemning the Union for failing to negotiate with them and calling on the Union to follow the ICJ decision by submitting reports.³⁸⁹ The sixth session of the UN ended once again without a solution

³⁸⁷ Letter to Sir Percy from Tweedsmuir, 16 January 1952, DO 35/3822, vol. U2973/58, National Archives of the United Kingdom.

³⁸⁸ Ibid.

³⁸⁹ Telegram from Donges to Secretary for External Affairs, 20 January 1952, BTS 1/18/59, vol. 23, NASA.

to the South West Africa issue, even after the ICJ's ruling. Over the next few years, the Fourth Committee wanted to figure out how the UN and Union could work together to implement the decision. The biggest hurdle they would face revolved around the role of petitioners, both oral and written. The Union maintained the Fourth Committee and the United Nations in general had no right to hear petitions, while the Fourth Committee argued they could.

Under the League, petitions were submitted to the Mandate Commission by the mandatory power, and the commission did not have the permission to request petitioners to address the committee. Union officials argued the ICJ ruling did not allow the UN to have any more supervision than existed under the League. The Fourth Committee took a vastly different approach. They believed the UN as the heir to the League could hear petitioners, and since the Union would not forward petitions, the Fourth Committee had to act on the petitioners' behalf. The issue of the petitions was more of a threat to reaching a settlement than the failure of South Africa to submit reports. The issue would eventually be settled by another ICJ decision that would allow petitioners to address the UN, but this would take years of struggle by Kutako, Scott, and their allies. Throughout the 1950s, Namibians and their supporters never gave up on their right to petition the United Nations for help in the fight against South African rule. The Union used this time to consolidate their control of South West Africa, and all but annexed the territory. As apartheid spread in South Africa, it also found its way northward, giving the Namibians another reason to ask the international community to free them from South Africa.

Kutako continued his campaign to gain international support for the UN to take over the administration of Namibia. He was concerned about the attitude of the Union “towards the United Nations in connection with the case of South West Africa.”³⁹⁰ He asked the UN to send a commission to South West Africa, stating that if the South Africans had nothing to hide, then they would welcome an impartial delegation. Kutako, using the rhetoric of the Cold War, also said it was important the UN “intervene, because an iron curtain has been placed between our spokesman and us,” because the Union had prevented Scott and Kutako from meeting by refusing to allow them to travel freely.³⁹¹ Scott was also working on a solution abroad. He had secured a letter of support from the Convention People’s Party of the Gold Coast asking the UN prevent the Union from consolidating their control of South West Africa. A petition was signed by key party leaders including Kwame Nkrumah arguing that South West Africa “[was] a matter of vital concern for all Africans.”³⁹² Even before independence, Nkrumah and others in Africa realized the presence of South Africa within Namibia was a threat to the security of the entire region.

A key issue that kept coming up in the UN was the proper role of petitions and petitioners from Namibia. Under the UN Charter, the Fourth Committee was allowed to hear petitions from trustee territories and only trustee territories. Citizens of trust territories were the only people allowed to directly petition the UN in any forum.

³⁹⁰ Letter from Kutako to Secretary General of United Nations, 7 February 1952, BTS 1/18/59, vol. 24, NASA.

³⁹¹ Ibid.

³⁹² Convention People’s Part, Petition, March 1952, BTS 1/18/59, NASA.

Michael Scott and the anti-colonial faction of the Fourth Committee argued since Namibia had the right to petition under the mandate then Namibian petitions and petitioners could be addressed by the Fourth Committee. This claim was incredibly contentious. The colonial powers wanted to prevent Namibians from gaining the right to petition because they believed if the UN heard from Namibians then other colonial territories would also seek the right to petition.

Union officials refused to discuss petitions saying they were a distraction to the true deliberations, which was to figure out the future of South West Africa.³⁹³ Most members of the Fourth Committee disagreed and a discussion over petitions dominated the Ad Hoc Committee's deliberation. The Syrian delegate, Zeineddine, argued if they followed the way the Mandates Commission dealt with petitions then it could put people at risk because all petitions had to go through the mandatory power.³⁹⁴ Over the protests of the US delegate, Gerig, the Committee eventually decided to adopt Zeineddine's position that they should accept petitions that came from outside of the Union's official channels in order to protect the petitioners, while acknowledging this might hurt any chance of negotiation with the Union. The Ad Hoc Committee decided before they could discuss a solution to the impasse over the territory they needed to know what was happening within Namibia. Since South Africa refused to submit reports, the committee's only source of information would come from the petitioners. Unbeknownst

³⁹³ Memo: South West Africa, April 1952, BTS 1/18/59, vol. 24, NASA.

³⁹⁴ UN, Summary Record of the Nineteenth Meeting of the Ad Hoc Committee on South West Africa, A/AC.49/SR.19, 9 April 1952.

to the Ad Hoc Committee, their discussions were in vain because Malan had already decided that the committee was a waste of time, and the Union planned on dragging out the meetings without ever agreeing to anything.^{395 396}

The Union plan was to stall any decision while trying to gain support from the UK, New Zealand, Canada, Holland, and Belgium to stop the Fourth Committee in granting oral testimony to Scott or any others.³⁹⁷ The Dutch, like the British, were concerned the nature of the Fourth Committee's discussion of South West Africa was problematic. They believed the Committee was ignoring the Charter and acting solely on political considerations and that all non-self-governing territories could be placed under the purview of the Fourth Committee if the administering powers did not stick together.³⁹⁸ South West Africa and the issue of petitions and oral testimony were once again setting a dangerous precedent for the colonial powers. Jooste wrote the actions of those mentioned above helped the Union in 1951, but Khalidy of Iraq informed him that the anti-colonial bloc "could not be suppressed" and things would only be worse for the Union. He believed future sessions of the UN would

be characterized by a 'showdown' between the Administering Powers and the anti-colonial group. I agree that the latter group may decide to pursue their ascending authority. It is difficult to see, however, how a 'showdown' is to eventuate. Anti-colonialism is rampant in the Organisation and any concerted effort on the part of the Administering Authorities to deny their opponents full scope in criticism, despite the fact that the right of criticism has developed into

³⁹⁵ Telegram from Forsyth to South African Embassy, Washington, 19 May 1952, BTS 1/18/59, NASA.

³⁹⁶ Letter to Forsyth from Jordaan, 29 May 1953, BTS 1/18/59, vol. 24, NASA.

³⁹⁷ Forsyth, Note for File, 12 June 1952, BTS 1/18/59, vol. 24, NASA.

³⁹⁸ Confidential Memo from Netherlands Ministry of Foreign Affairs to Administering Powers, June 1952, BDH 170, NASA.

licence, will undoubtedly lead to an explosion. Moreover, unless such a concerted move is actively and strongly supported by the United States the anti-colonial group must emerge victorious, which would place the Administering Powers, including the United States, in an impossible position. And if the United States should decide to remain aloof Western solidarity could be seriously impaired.³⁹⁹

Khalidy and Jooste recognized the Fourth Committee had already turned the corner against colonialism. While the current issue was South West Africa, the Arabs, Asians, and Latin Americans, with the support of the Eastern Bloc, were set on destroying colonialism. Jooste hoped if the Union became active in the UN by working in various committees, while staying away from the South West African and Indian issues, then they could build good will and hopefully slow the attacks emanating from both the Fourth Committee and the General Assembly.

Jooste informed Forsyth, the Secretary for External Affairs, that the Ad Hoc Committee was unlikely to accept any agreement that did not include submitting reports to the UN, recognized the rights of petitioners, and be with the UN, not the Three Allied Powers. His recommendation was to stall the negotiations. He wanted to meet as late as possible and to spend the majority of the time going over the negotiations of the previous year. He hoped if they could push negotiations into 1953 then maybe the Fourth Committee would not be as hostile as it currently was. Jooste claimed petitioners were not heard under the mandate and the Union should stick with this position.⁴⁰⁰ Since the Union did not believe a compromise could actually be achieved, they wanted to make

³⁹⁹ Letter to Secretary for External Affairs from Jooste, 24 June 1952, BTS 1/18/59, vol. 24, NASA.

⁴⁰⁰ Telegram to Forsyth from Jooste, 21 June 1952, BTS 1/18/59, vol. 24, NASA.

sure “the onus for any ultimate deadlock [fell] on the Committee and not on the Union Government,” so they would appear to be trying to find a solution when in reality they were merely stalling.⁴⁰¹

At the end of August, Jooste sent a long letter to Forsyth regarding the upcoming UN meetings and Ad Hoc Meetings. He said “no arrangement will be acceptable unless:

- (a) it recognizes the United Nations as the ultimate international authority to whom we are committed in regard to the administration of the Territory;
- (b) it provides for the submission, directly or indirectly, to the United Nations, or one of its agencies, of reports;
- (c) it establishes some means by which petitions from inhabitants of the Territory will reach the Organisation.”⁴⁰²

Jooste thought they might get around C if they allowed A and B, but was not confident. He recommended they stall and try to get others on to their side. Jooste thought the negotiations would not solve anything, but that the Union should continue negotiating for appearances. Jooste also told Forsyth that he was “increasingly apprehensive of American influence in our part of the world and the possibility of still greater American interest in the development of backward peoples of Africa towards self-government.” The British and French were also against Union racial policies, which he was worried, could cause problems even if the Three Powers solution was agreed upon. Since the three things the UN wanted were impossible to accept by the Union, Jooste suggested

⁴⁰¹ South West Africa Negotiations with The Ad Hoc Committee, June 1952, BTS 1/18/59, vol. 24, NASA.

⁴⁰² Letter to Forsyth from Jooste, 27 August 1952, BTS 1/18/59, vol. 25, NASA.

they just drag things out and try to avoid any new instrument or system for petitions and reports.⁴⁰³

At the opening meeting of the Ad Hoc Committee on September 10th, Jooste pushed the Union's proposals. Union officials heavily publicized Jooste's efforts before the Committee and claimed they were willing to negotiate so they could blame the UN when negotiations failed to resolve the impasse.⁴⁰⁴ Jooste thought the US delegate in the Ad Hoc Committee was helping them stall in order to get a favorable report because of the Union's bluff in the negotiations. Jooste also believed the US would go further in helping the Union this year in order to solve the dispute.⁴⁰⁵ One strategy suggested was to declare South West Africa as strategic trust, which would limit UN interference. Sir John Le Gougetel, High Commissioner for the UK in Pretoria, did not believe Malan could accept putting South West Africa under the umbrella of a "strategic trust" because that was too close to a trusteeship agreement and Malan did not trust the Fourth Committee.⁴⁰⁶ In a private conversation between Jooste and Acheson, Acheson said the South West Africa issue might be the only one of the "dreadful things" on the agenda that could be solved. Jooste thought this was why the US delegate in the Ad Hoc Committee was helping them play for time and to get a favorable report.⁴⁰⁷ Union officials thought about pushing for a General Assembly resolution that would cement the three powers

⁴⁰³ Letter to Forsyth from Jooste, 27 August 1952, BTS 1/18/59, vol. 25, NASA.

⁴⁰⁴ SAPA, "Union is Ready to Compromise on South-West Africa," *The Rand Daily Mail*, 11 September 1952, BTS 1/18/59, vol. 25, NASA.

⁴⁰⁵ Telegram from Jooste to Forsyth, 23 September 1952, BTS 1/18/59, vol. 25, NASA.

⁴⁰⁶ Letter to John Le Gougetel from Forsyth, 5 September 1952, BDH P.S. 4/11, vol. 8, NASA.

⁴⁰⁷ Telegram from Jooste to Forsyth, 23 September 1952, BTS 1/18/59, vol. 25, NASA.

concept and prohibit oral testimony from “any non-governmental person or representatives ever again being heard by the United Nations or any of its Committees concerning the affairs of a territory that is not under United Nations trusteeship.”⁴⁰⁸ This resolution never bore any fruit because the Union recognized it did not have enough support to pass the resolution, but they were looking for anyway to keep Scott or any other individual from addressing the UN.

As negotiations stalled within the Ad Hoc Committee, Scott and Kutako ratcheted up their attempts to gain travel documents for Kutako. Scott protested the “arbitrary restrictions place upon the freedom of movement of your African petitioners that I appeal to you that no final settlement of the question of South West Africa should be reached until the African inhabitants have been consulted themselves by the UN,” and demanded the Herero be allowed to come before the UN.⁴⁰⁹ Scott had also arranged for Kutako to be invited to St. Paul’s in London for a religious service and Kutako requested a visa in the spirit of Christian brotherhood.⁴¹⁰ The Malan administration also blocked this avenue because they feared anywhere Kutako went would be used politically to hurt the Union. Additionally, Kutako had requested that the Union allow him to travel to Switzerland for medical treatment. Forsyth instructed the Secretary for South West Africa to tell Kutako he could have the passport to Switzerland on two conditions. First, that he provide a medical certificate stating that he needed to travel for medical care and if a visa was

⁴⁰⁸ Untitled South African Government Memo, August 1952, BTS 1/18/59, vol. 24, NASA.

⁴⁰⁹ Letter to Trygve Lie from Scott, 20 October 1952, DO 35/7000, file 11/4/1, National Archives of the United Kingdom.

⁴¹⁰ Letter to Malan from Kutako, 27 October 1952, BTS 1/18/59, vol. 25, NASA.

given then the Union wanted “written assurances that he wil (sic) not make use of his overseas visit to receive medical treatment for the purpose of participating in any form of political or public activity.”⁴¹¹ Naser informed Kutako of this decision, but Kutako eventually declined because he also wanted to travel to London to speak at St. Paul’s.⁴¹² Naser told him the Secretary for External Affairs made all decisions on who travels and why they travel outside of the Union and implied he would not approve Kutako’s travel, so Kutako dropped the request.⁴¹³

Kutako then wrote to the UN and requested once again that South West Africa be placed under a trustee agreement and reaffirmed Scott as the spokesman for the Herero.⁴¹⁴ Scott also continued his lobby efforts by writing to the President of the General Assembly that “the Union Government [was] not yet prepared to implement its international and moral obligations with respect to South West Africa, particularly with regard to the supervisory responsibility of the United Nations towards the Mandated Territory.” Scott put pressure on the Fourth Committee to demand the Union turn over South West Africa to the UN and allow Namibians to represent themselves in the committees where their future was being decided. He also suggested the committee send a group to study the impact of apartheid on South West Africa. Throughout the letter,

⁴¹¹ Letter to Secretary for South West Africa from Forsyth, 15 November 1952, BTS 1/18/59, vol. 25, NASA.

⁴¹² Letter to Kutako from Naser, 24 November 1952, BTS 1/18/59, vol. 26, NASA.

⁴¹³ Notes on Interview Given to Hosea Kutako by the Secretary for South West Africa Mr. Naser at Windhoek, 5 December 1952, to Secretary General from Kutako, 8 December 1952, BTS 1/18/59, vol. 26, NASA.

⁴¹⁴ Letter to the Secretary General of the UN from Kutako, 27 October 1952, BTS 1/18/59, vol. 26, NASA.

Scott kept linking the work on apartheid with South West Africa imploring them to “not abandon its jurisdiction in the matter of South West Africa.”⁴¹⁵

On December 8, Kutako wrote to the Secretary General saying he wanted South West Africa to be placed “under the direct supervision of the United Nations but not under any other independent instrument.”⁴¹⁶ He also asked once again for a commission to be sent because they were prohibited from representing themselves. In case the letter did not arrive, Kutako sent a shorter telegram to the UN saying he “strongly object to appointment of Britain France and USA as proposed by Union government. We Accept UN Supervision. Send impartial commission to South West Africa.”⁴¹⁷ Kutako wanted Scott to continue to push for the United Nation as the “only instrument which is competent to restore happiness to us, as well as to perform the work that has been neglected by the Union Government in South West Africa.”⁴¹⁸

By the end of 1952, Scott began to change tactics. The UN’s negotiations with the Union were not progressing and he believed it was time to move to another venue. He requested the UN submit the issue of petitions and the future of South West Africa over to the ICJ.⁴¹⁹ By the early spring, Scott began to write to former League members to gain support for the case being sent to the ICJ or to the Security Council. Union officials thought this might actually work in their favor because it would take the issue out of the

⁴¹⁵ Letter to President of the General Assembly from Scott, 7 December 1952, BTS 1/18/59, vol. 26, NASA.

⁴¹⁶ Letter to Secretary General from Kutako, 8 December 1952, BTS 1/18/59, vol. 26, NASA.

⁴¹⁷ Telegram to Secretary General from Kutako, 8 December 1952, BTS 1/18/59, vol. 26, NASA.

⁴¹⁸ Letter to Scott from Kutako, 15 December 1952, BTS 1/18/59, vol. 26, NASA.

⁴¹⁹ Letter to Trygve Lie from Scott, 9 December 1952, BTS 1/18/59, vol. 26, NASA.

General Assembly and into the hands of the Security Council where they would have a stronger percentage of allies.⁴²⁰

The Chairman of the Ad Hoc Committee, Khoman of Thailand, was also becoming frustrated with the lack of progress in the negotiations. He told Jooste the Committee “could not accept, as a basis for detailed discussions, any proposal which did not recognize the principle of supervision of the administration of the Territory of South West Africa by the United Nations.”⁴²¹ Jooste continued to stall and push for other unreachable goals, telling Forsyth that things were deadlocked and he could “probably be able to keep Committee going for another few weeks in circumstances where responsibility will rest with Committee if negotiations are broken off.”⁴²² Jooste also protested the Fourth Committee’s decision to hear Scott by refusing to comment on the Ad Hoc Committee’s draft report,⁴²³ and then subsequently blasting the Ad Hoc Committee for submitting a report before the Union could comment on it. He blamed the committee for breaking off the negotiations without telling the Union how they could modify their proposals in order to meet the UN standards. The Committee responded by

⁴²⁰ Letter to Forsyth from Hamilton, 11 May 1953, BTS 1/18/59, vol. 26, NASA.

⁴²¹ UN, Provisional Summary Record of the Twenty-Ninth Meeting of the Ad Hoc Committee on South West Africa, 29 October 1952, BTS 1/18/59, vol. 25, NASA.

⁴²² Telegram to Forsyth from Jooste, 29 October 1952, BTS 1/18/59, vol. 25, NASA.

⁴²³ Letter to Forsyth from Jordaan, 17 November 1952, BTS 1/18/59, vol. 25, NASA.

stating the negotiations had not been ended, but they had submitted their report only to keep the General Assembly informed.⁴²⁴

The Union's delaying tactic paid dividends when the General Assembly voted to push the discussions on South West Africa until the 8th session.⁴²⁵ After all of the turmoil over the report, the Fourth Committee also decided to push the issue to the next session.⁴²⁶ Khoman, trying to end the stalemate, began informally meeting with the Ad Hoc Committee members in an attempt to force the issue. He said that if no progress was made then he would resign which would hopefully make the Union realistically work with the committee. The Indian delegation had also been informally meeting with various delegations highlighting the fact that the Union was refusing to honor its international obligations.⁴²⁷

Jooste's plan to lay the blame on the Ad Hoc Committee was in serious jeopardy at the beginning of June. The Chairman of the Committee was threatening to resign because of South Africa's intransigence. Jooste was hoping he could delay this action by getting the Committee to state they would only accept a new instrument through the United Nations. He could argue this plan would increase the Union's obligations and he could then lay failure of the negotiations on the Committee. He also wanted to make sure the Union did not repeat their previous suggestions as that would clearly show they had

⁴²⁴ UN, Question of South West Africa: Addendum to the report of the Ad Hoc Committee on South West Africa, Seventh Session, Agenda Item 38, 11 December 1952, A/2261/Add.1, Louw Papers, vol. 118, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

⁴²⁵ Telegram to Forsyth from South African Delegation, 21 December 1952, BTS 1/18/59, vol. 26, NASA.

⁴²⁶ Telegram to Forsyth from South African Delegation, 17 December 1952, BTS 1/18/59, vol. 26, NASA.

⁴²⁷ Letter to J.R. Jordaan from Conrad Norton, 22 May 1953, BTS 1/18/59, vol. 26, NASA.

not changed a single proposal.⁴²⁸ Jooste implemented this plan and received a firm rejection of the proposal the Three Powers operating independently of the UN would manage the Mandate. He subsequently accused the committee of negotiating in bad faith because they had never rejected the three powers plan in the two years of negotiations.⁴²⁹

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Union officials still felt they had support from the UK and were becoming more obstinate. In an “informal note,” the Parliamentary Under Secretary gave the High Commissioner a note outlining the UK’s position at the UN. He linked the South West African, Indian Issue, and racial policies to the questions on Tunisia and Morocco and said this could cause “a highly charged emotional atmosphere” which must be avoided. He pushed for a more moderate debate “while maintaining a firm but unprovacative (sic) stand against attempts to persuade the Assembly to excede (sic) its powers.” In meetings with the Ad Hoc Committee, the UK’s position was that any agreement that fell within the ICJ decision they would have to support, but they would also support any measure that could realistically be accepted by the General Assembly. However, they could not support the Union if they rejected the ICJ decision out of hand. The UK also said it wanted to support the Union but could only do so with heavy limitations because they

⁴²⁸ Telegram to Forsyth from Jooste, 5 June 1953, BTS 1/18/59, vol. 27, NASA.

⁴²⁹ UN, Provisional Summary Record of the Thirty-Eight Meeting of the Ad Hoc Committee on South West Africa, A/AC.49/SR.38/Part 1, 25 June 1953, BTS 1/18/59, vol. 27, NASA.

⁴³⁰ Telegram to Forsyth from Jooste, 25 June 1953, BTS 1/18/59, vol. 27, NASA.

⁴³¹ Letter to Jooste from Thanat Khoman, 6 July 1953, BTS 1/18/59, vol. 27, NASA.

could not avoid public opinion within Great Britain.⁴³² The Union delegation wanted the Union High Commissioner in London to express their gratitude to the Secretary of State for the “helpful attitude of the United Kingdom Government on those items on the United Nations agenda which are of special concern to the Union.”⁴³³

In a meeting to discuss the upcoming 9th Session, Malan, Donges, Jooste, and Jones decided if Scott was allowed to address the UN, Jooste and the delegation would immediately walk out during his talk. Malan also told Jooste he was not permitted to give any ground from the Union’s proposal and to use the words “concession” when talking about what the Union has already given up.⁴³⁴ In addition, Forsyth communicated to Jooste that the Union was no longer willing to supply reports even to the Three Powers, which would make them even more unlikely to go along with the Union’s proposal, but they must keep that information secret.⁴³⁵ Once again, the Union set itself up to negotiate with the Ad Hoc Committee in bad faith. Malan wanted to string along the UN while the Union strengthened its hold of Namibia.

In a speech before the Fourth Committee, Jooste thanked the Ad Hoc Committee for its work and said even though a final settlement was not reached, they had accomplished a lot. He cited the three years of work as showing both sides were willing to try to seek a common ground even though they came from such disparate viewpoints.

⁴³² Telegram from High Commissioner, London to Forsyth, 31 October 1952, BTS 1/18/59, vol. 25, NASA.

⁴³³ Telegram to High Commissioner London from South African Delegation New York, 3 November 1952, BTS 1/18/59, vol. 25, NASA.

⁴³⁴ Jones, Note for File, 13 August 1953, BTS 1/18/59, vol. 27, NASA.

⁴³⁵ Telegram to Jooste from Forsyth, 11 September 1953, BTS 1/18/59, vol. 27, NASA.

He also rehashed the history of the debate from a decidedly South African point of view making sure to point out over ninety percent of South West Africans, white and black, supported incorporation even though the UN did not. He also mentioned the attacks on South African racial policies made it hard for the Union to negotiate with the UN because feelings in South Africa were that the UN was hostile towards them and in spite of this, the Union has continued to negotiate with the UN to solve the impasse. He also lamented the fact that the terms of reference of the Ad Hoc Committee were too narrow to solve the problem so he suggested the Fourth Committee do so. He laid out the South Africa position as follows:

- (a) that we revive the “sacred trust” as a legal obligation;
- (b) that we embody that sacred trust in a new instrument;
- (c) that we re-assume international accountability towards the three nations, who, we can assume, would not be less diligent in supervision of our administration than any organ of the United Nations; and
- (d) that we make provision to ensure that the sacred trust is carried out by accepting beforehand the compulsory jurisdiction of the International Court.⁴³⁶

Jooste was concerned the Union position would lead to problems and the debate over South West Africa would “degenerate and become very acrimonious,” and the Union delegation should do what they could to prevent this. He believed the best course of action would be to set up a new committee to start the negotiations over. However, he

⁴³⁶ South African Press Release, “Statement by Ambassador G.P. Jooste, Leader of the South African Delegation on ‘The Question of South West Africa’ in the Fourth Committee,” 6 November 1953, BTS 1/18/59, vol. 27, NASA.

was instructed that the Union was not willing to change its position even though it knew the three powers solution was not feasible.⁴³⁷

During the 8th Session, the delegate from the Philippines said if the South West African issue cannot be resolved, then under Section 7 of the mandate, it might be necessary for a former member of the League to bring the issue to the ICJ, but it would be preferable if the UN brought the suit instead. The Indians and Soviets also were against them and the Latin American nations pushed for a stronger resolution, but the criticism was tamer than Jooste expected. The administering powers did not take part in the debate because they believed all the proposed resolutions called for the UN to have greater authority than had existed under the mandate. The resolutions created a new committee and encouraged the Union to continue to negotiate. Sole believed they would be asked to work with the new committee, but they could refuse because of the “inflexible position taken up with regard to the Committee’s terms of reference.”⁴³⁸ Jooste responded to the committee’s discussion by praising some of the delegations for refraining from attacking the Union and issued regrets that not everyone could be unbiased. He also reemphasized the Union position that the ICJ decision was wrong because the mandate had lapsed and that UN supervision would not be possible, as it did

⁴³⁷ Telegram to Forsyth from Jooste, 8 November 1953, BTS 1/18/59, vol. 27, NASA.

⁴³⁸ Sole, D.B., “Eighth Session-General Assembly Progress Report-South West Africa,” 1953, BTS 1/18/59, vol. 27, NASA.

not function in the same way as the League.⁴³⁹ This demonstrated once again the Union was merely toying with the UN in order to buy time.

Jooste was becoming worried about the negative media in the US, particularly the *New York Times*. He told Forsyth because the Union refused to submit reports then the only information the committee received on conditions on South West Africa was from the Newspapers and they should be prepared to answer charges based on fraudulent reporting.⁴⁴⁰ At the last session of the General Assembly, Jooste's fears came true. The General Assembly requested a report on South West Africa, which was based upon hearsay as the Union refused to participate. The Union believed this report would be critical of the Union because they believed "the Committee first decided on its conclusions and then looked at the 'facts' in an effort to substantiate its findings." The Union refused to "take official cognizance of the Committee's report" because Union officials refuse to "recognize the supervisory functions claimed by the United Nations."

⁴⁴¹ An official report recommended the Union not ignore the report because it implied the Union was failing its obligations under the mandate, but they will have to do so without implying the UN has supervisory functions. The tone of the report only forced the Union to dig in even further. Because to them, it showed the UN was trying to gain control over the territory.⁴⁴² Neser, Secretary for South West Africa, was not too

⁴³⁹ Replying Statement by Ambassador G.P. Jooste on the Question of South West Africa in the Fourth Committee, 12 November 1953, BTS 1/18/59, vol. 28, NASA.

⁴⁴⁰ Letter from Jooste to Forsyth, 1 February 1954, BTS 1/18/59, vol. 28, NASA.

⁴⁴¹ Memo on the Report on South West Africa, August 1954, BTS 1/18/59, vol. 30, NASA.

⁴⁴² Memo on the Report on South West Africa, August 1954, BTS 1/18/59, vol. 30, NASA.

concerned about the report. He believed with the exception of the position of the Herero and Nama, the report was correct.⁴⁴³

Once again in 1954, the Union refused to negotiate and there was a push from some delegates to send the petition issue to the ICJ, but the debate did not get very far because the US and Iraq argued against it.⁴⁴⁴ Sole believed this debate did not go very far because it was too late in the session to discuss an ICJ reference.⁴⁴⁵ However, the General Assembly passed two resolutions concerning South West Africa. Resolution 851 (IX) requested that South Africa work with the Committee on South West Africa and asked the committee to see which organs of the UN could operate in the territory to help the local inhabitants.⁴⁴⁶ The General Assembly also passed Resolution 852 (IX), which stated the only way to move forward on South West Africa was for South Africa to place it under Trusteeship.⁴⁴⁷

On January 24, 1955, the Chairman of the Committee on South West Africa wrote to the South Africa Minister of Foreign Affairs requesting the Union honor Resolution 851 (XI) by working with the committee and giving reports on the conditions in South West Africa as well passing on petitions. The Union told him they had made their position on the issuance of reports perfectly clear and had not changed their minds. They

⁴⁴³Letter to Secretary for External Affairs from J. Naser, 6 August 1954, BTS 1/18/59, vol. 30, NASA.

⁴⁴⁴Telegram from Sole to Forsyth, 9 November 1954, BTS 1/18/59, vol. 31, NASA.

⁴⁴⁵D.B. Sole, Report on South West Africa, Early December 1954, BTS 1/18/59, vol. 31, NASA.

⁴⁴⁶Proceedings at the United Nations, January to December, 1955, The Government Printer, Pretoria, BPA 18/7, vol. 1, NASA.

⁴⁴⁷Proceedings at the United Nations, January to December, 1955, The Government Printer, Pretoria, BPA 18/7, vol. 1, NASA.

also were dismayed that the Union suggestion to work with the “Three remaining Principal Allied and Associated Powers” to work out a solution had failed. The Union believed since the League had collapsed so had the mandate and South Africa held no further obligation to the international community regarding South West Africa.⁴⁴⁸ In the end, the UN decided to refer the case to the ICJ. Fourie was concerned if the Union responded to the Advisory Panels case on the UN’s right to hear petitions then it would have backed down from their position that the mandate had lapsed. He wanted Jones to come up with a solution where they could defend their position without acknowledging UN supervision.⁴⁴⁹

While the UN sparred with Union officials, the Malan administration was consolidating its position in South West Africa. The inclusion of South West Africans into the Union parliament opened the door for even more Union policies to infiltrate the territory. The most far reaching of these was apartheid. By late August 1954, the Chief Secretary of the Nationalist Party in South West Africa, A.H. du Plessis, declared the mandate no longer existed and “the Union and South-West Africa have become one, that is one territory and one people as far as the outside world is concerned.”⁴⁵⁰ With this

⁴⁴⁸ Proceedings at the United Nations, January to December, 1955, The Government Printer, Pretoria, pg. 3-4, BPA 18/7, vol. 1, NASA.

⁴⁴⁹ Letter to Jones from Fourie, 4 January 1955, BTS 1/18/59, vol. 31, NASA.

⁴⁵⁰ SAPA, “Union and S.-W.A. are Now One,” *Rand Daily Mail*, 24 August 1954, BTS 1/18/59, vol. 30, NASA.

closer relationship came formal apartheid in the territory. By 1955, the South African Department of Native Affairs had taken over the administration of the territory.⁴⁵¹

The Committee on South West Africa was very concerned with the conditions of the country and categorically stated in the forty years of South African rule living conditions for the African population had not improved. They recommended a complete overhaul of conditions in the territory.⁴⁵² The UN report was met with strong resistance by Union officials who believed apartheid was an internal issue outside of the purview of the United Nations, even when it was implemented in South West Africa. Forsyth did not believe equality under the law would be beneficial to “non-Europeans” because they would exchange legal protection “for a theoretical equality of which they would not be able, in their present state of advancement, to make use of.”⁴⁵³ He also argued the “Native areas” were owned by the Africans as a whole and land cannot be taken from them without the approval of the Union parliament. Forsyth made the claim that the Union had improved the lives of the African population but was “at a loss to understand what steps the Administration should or could have taken in the last one or two years which would have shown such discernible results that the Committee would have found

⁴⁵¹ Telegram to UN Delegation from Forsyth, 12 July 1955, BTS 1/18/59, vol. 33, NASA.

⁴⁵² GA/1260, 3 June 1955, Scott Papers, Box 2, File SWA 1940s-1950s, Rhodes House, Oxford.

⁴⁵³ Forsyth, “Notes on Points Raised in Minute 1/18/59 of the 8th July, 1955, From the Secretary for External Affairs Concerning the Draft Observations of the Committee on S.W.A. Regarding Conditions in the Territory of S.W.A.,” 8 July 1955, BTS 1/18/59, vol. 33, NASA.

‘a significant improvement in the moral and material welfare of the Native inhabitants.’ I am afraid we cannot achieve miracles.”⁴⁵⁴

Kutako continued to send the UN letters detailing the deteriorating conditions in the territory and expressing gratitude for the work being done. He was particularly concerned the pass laws had been extended and those who were not following them were being arrested and those who resisted were persecuted. He says the government was refusing to allow Africans to work at anything other than menial labor and was limiting the number of livestock Africans could own. Kutako also drew attention to difference in white and black living conditions. Europeans lived in beautiful modern houses while Africans were forced to build “*pondokkies*” made out of scrap metal. Kutako believed the only way to reverse the tide of apartheid was to revoke South African rule and have the UN manage the territory until it reached independence.⁴⁵⁵ In the 1950s, the United Nations began to expand its long interest into the treatment of Indians in South Africa into a larger discussion over apartheid. The expansion of apartheid into South West Africa furthered UN interest in apartheid. The South West Africa case and apartheid were entwined throughout the decade.

Benjamin Cohen of the UN Trusteeship Organization visited South Africa and told the *Cape Argus* that while other nations were granting recognition for human rights South Africa was moving in the other direction. South African actions in Namibia and

⁴⁵⁴ Forsyth, “Notes on Points Raised in Minute 1/18/59 of the 8th July, 1955, From the Secretary for External Affairs Concerning the Draft Observations of the Committee on S.W.A. Regarding Conditions in the Territory of S.W.A.,” 8 July 1955, BTS 1/18/59, vol. 33, NASA.

⁴⁵⁵ Letter from Kutako to the Secretary General of the UN, 4 October 1955, Scott Papers, Box 2, File SWA (Namibia,) 1940s-1950s, Rhodes House, Oxford.

the Union were moving against the tide of progress and because “Coloured people who are the world’s majority are acquiring ever-increasing international political power,” South Africa would only become more isolated as time went on.⁴⁵⁶ Louw would continually refute this argument and would push the idea that segregation was natural as evident by the treatment of blacks in the United States. He also received a number of letters from people around the world pushing for South Africa to remain firm in the face of calls for integration. R. Carter Pitman, an attorney from Georgia, wrote that all the world’s problems stem from racial issues and no one was demanding that the Arabs and Israelis integrate and the South Africans should stand firm in their policies.⁴⁵⁷

The UN viewed the consolidation of the Native Affairs department as well as the representation in Cape Town as incorporation by a different name. The Union delegation argued it was not incorporation, but the Union could annex South West Africa if it chose. Sole considered using the South West African Legislature’s request in the interwar period to be incorporated as evidence the territory had always wanted to be ruled as a fifth province. The South Africans would argue the mandate allowed the people of the territory to choose their own future and the South West Africans had repeatedly asked to join the Union.⁴⁵⁸ The Delegation also argued the Union had not incorporated South West Africa because mining and finance were still under the South West African

⁴⁵⁶ “South Africa ‘Moving Against Tide’ on Human Rights,” *Cape Argus*, 23 April 1956, BTS 1/18/59, vol. 25, NASA.

⁴⁵⁷ Letter to Louw from R Pittman, 28 November 1956, Louw Papers, volume 9, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

⁴⁵⁸ Telegram from Sole to Forsyth, 27 October 1955, BTS 1/18/59, vol. 34, NASA.

Legislative Assembly and claimed, “General Smuts, the father of the Mandates system, actually envisaged annexation under the expired mandate.”⁴⁵⁹

In this spirit, Sole maintained that in 1946 that Smuts only wanted “to consult the international community, and if possible to secure its blessing for step which he firmly believed would be in the best interests of all the inhabitants of South West Africa.” He did not do this out of a legal obligation but out of respect to the international community, and he could legally have unilaterally annexed the country. Sole also argued against the idea of resolutions on South West Africa as being legally binding. He was particularly annoyed with the yearly resolution imploring South Africa to place South West Africa under a trusteeship agreement stating, “If a single recommendation has no binding legal force it is surely obvious that constant repetition of the same recommendation cannot imbue it with any such force.”⁴⁶⁰

Even though Sole believed the Union had operated within its legal jurisdiction and could have annexed South West Africa, he maintained the Union had not done so when they moved into a closer relationship with the territory. Speaking on a draft resolution based on the idea that the Union had incorporated SWA, he stated categorically that this was false and it was regrettable that the Committee did not believe the Union. He said, “since 1945 South Africa ha[d] been completely frank as to its attitude on the South West Africa question. It [was] therefore a matter of very deep

⁴⁵⁹ Telegram from Forsyth to SA Delegation to UN, 27 October 1955, BTS 1/18/59, vol. 34, NASA.

⁴⁶⁰ D.B. Sole, Statement in the Fourth (Trusteeship) Committee, 4 November 1955, BTS 1/18/59, vol. 34, NASA.

regret that when we make a statement – for example that there has been no incorporation – it is sometimes suggested, by implication or otherwise, that such a statement cannot be believed. Surely this sort of thing cannot contribute to an improvement in South Africa's relations with the Organisation.”⁴⁶¹ The South African Ministry of Native Affairs took over the administration of Africans in South West Africa. The Union also transferred the Native Reserves of South West Africa to the South African Native Trust so there could be a unified native policy. The Union took argued that since South West Africa was represented in the Union parliament then it did not need to have redundant native affairs administrations.^{462 463}

Throughout the debates over South West Africa, Kutako and Scott never ceased their campaign to break the territory away from South African control. Their first goal was to have the UN come to South West Africa to see conditions for themselves. Since Kutako and other Namibians were prohibited by the Union government from traveling, they wanted the Committee on South West Africa to come to them. The Committee agreed with this idea, but was unable to gain permission from the South Africans. The Union argued the UN did not have jurisdiction over the territory so the presence of a UN body in South West Africa was out of the question.⁴⁶⁴ Scott and Kutako also tried to get the UN to negotiate with Namibians as well as the South African government. They

⁴⁶¹ D.B. Sole, Statement in the Fourth Committee, 7 November 1955, BTS 1/18/59, vol. 34, NASA.

⁴⁶² “South West Africa” by Michael Scott, 1954, Scott Papers, Box 86, Rhodes House, Oxford.

⁴⁶³ Union Cable on SWA, 29 January 1954, BDH 170, NASA.

⁴⁶⁴ Letter to Kutako from Scott, 17 October 1953, Scott Papers, SWA (Namibia) 1940s-1950s, Rhodes House, Oxford.

believed any agreement reached over the territory should include the opinion of the Namibians.⁴⁶⁵ Further Kutako wrote to the UN stating “the Union of S.A. [was] not our representative at U.N.O; moreover she has proved beyond all doubt that she is unfit to rule anybody. The people of S.W.A. need the assistance of the U.N.O. at once, but they feel very much hurt when the U.N.O. thinks the assistance is only subject to the approval of a Government that works against the interest of the indigenous people of S.W.A.”⁴⁶⁶ Scott and Kutako worked tirelessly to get information to the United Nations against the wishes of the Union government who actively interfered with their ability to petition the UN.

Scott also worked closely with other delegations in order to resolve the dispute over Namibia. He appealed to the former League members as well as the Principal Allied and Associated power the Union had hoped to coop to condemn Union policies for the “loss of [Namibian] political rights . . . and for the sufferings they have endured,” as the Union finalized their incorporation of the territory.⁴⁶⁷ He also reached out to the Arab League for support. In August 1954, Abdul Hassouna, the Secretary General of the Arab League, informed Scott the Arab League supported his and the UN’s efforts to grant South West Africa self-determination. Hassouna told him the

Arab League strenuously upholds the cause of right and is a staunch supporter of the principles of the United Nations and other international organs with regard to

⁴⁶⁵ Letter to The Chairman of the Committee on South West Africa from Michael Scott, 2 December 1953, DO 35/6940, file 11/17/1, National Archives of the United Kingdom.

⁴⁶⁶ Letter from Kutako to the Secretary General of the UN, 12 October 1954, BTS 1/18/59, vol. 32, NASA.

⁴⁶⁷ Letter to the Chairman of the Committee on South-West Africa from Michael Scott, June 1954, Scott Papers, Box 2, SWA (Namibia) 1940s-1950s Rhodes House, Oxford.

the freedom of non self-governing countries and the cause of their self-determination, as it firmly believes that the domination exercised over a country against the will of its inhabitants, and the imposition of a repugnant rule, are susceptible of engendering collision between nations and fomenting trouble.⁴⁶⁸

Scott's network of support in the UN increased the pressure on South Africa, and in 1954, he was requested by the Czechoslovakian delegation to speak before the UN. In this speech, he not only called for an end to South African occupation, but tangible UN assistance. He requested the various specialized agencies of the United Nations should intervene in South West Africa to help alleviate some of the problems the people of Namibia faced. He specifically asked for Technical Assistance because of the intense drought, medical services outside the police zone, malaria help, help with livestock maintenance, education services, and for UNICEF to help provide food to the rural poor.⁴⁶⁹

In the mid-1950s, Kutako was not the only Namibian appealing to the United Nations. Jariretundu Kozonguizi, began his campaign by writing to the UN arguing even if the Union did not have a legal obligation to place South West Africa under a trusteeship agreement then they had a moral one. He called for the Union to be kicked out of the territory because "they [had] no status in S.W.A.," and that Namibians should "do with our country whatever we consider best in our interests."⁴⁷⁰ Kozonguizi worked with Kutako, was a founder and first president of the South West African National Union

⁴⁶⁸ Letter from Abdul Hassouna to Scott, August 16, 1954, Scott Papers, Box 2, SWA (Namibia) 1940s-1950s Rhodes House, Oxford.

⁴⁶⁹ "South West Africa and the United Nations, by Michael Scott," 20 October 1954, Scott Papers, Box 2, SWA (Namibia) 1940s-1950s, Rhodes House, Oxford.

⁴⁷⁰ Letter to Scott from Kozonguizi, 5 December 1954, BTS 1/18/59, vol. 32, NASA.

(SWANU), and would work throughout the world to gain independence for Namibians. He was asked by Kutako to travel to the UN to directly represent the Herero in 1957, but was also denied a passport. By 1959, he made it to New York and would represent both the Herero Chief's Council as well as SWANU.⁴⁷¹

Following the 9th Session Scott prepared a memo stating while the session was

not spectacular the Session did seem to mark a new stage in the development of the U.N. towards its self-realisation as a responsible instrument of humanity's hopes of liberation from the bondage of poverty, ignorance and backwardness. Even a little greater enthusiasm and magnanimity on the part of the "Colonial Powers" would help in the development of the U.N. as a universally recognized forum and instrument of the awakening conscience of the world: conscience which is awakening to the gigantic tasks of applying the present technological renaissance to the use of the natural resources of the earth in order to defeat those enemies of civilisation which are no less formidable than war itself.⁴⁷²

Scott's persistence in fighting for the Namibian people was a major reason for what he saw as the UN's continuing transformation into a strong anti-colonial body. He was also uniquely qualified to handle this task. One observer described him as "not a misinformed fanatic nor yet an irresponsible trouble maker."⁴⁷³ Scott was "a consistent human being, with rather more than the usual amount of social conscience, and much more than average determination to see a job through," and "the publicity he gets he seeks only for the cause of the underprivileged. He is, personally, extremely reticent and asks nothing from life for himself, which is perhaps why so many misconceptions about him

⁴⁷¹ Jariretundu Kozonguizi, "Brief Outline of the History and International Action by Namibians, 1970, Kozonguizi Collection, BASler Afrika Bibliographien, Basel, Switzerland.

⁴⁷² Comment on UN by Michael Scott, 1956, Scott Papers, Box 47, Rhodes House, Oxford.

⁴⁷³ "Who is Michael Scott," Published by F. Troup, Johannesburg by the Social and Industrial Council of the Diocese of Johannesburg, AD 843, Papers of the SAIRR, file B.21.1 SWA, Wits

abound.”⁴⁷⁴ Scott’s determination to see the job through helped in the long years where he worked alone to build support for Kutako.

Scott’s appearance before the UN once again caused the Union to boycott the UN. In 1955, however, they took it a step further. Union officials closed their offices in New York and temporarily withdrew from the UN.⁴⁷⁵ It did not matter what Scott had to say, his mere presence before the UN was seen as an insult to South African sovereignty and they refused to partake in any committee where Scott was present. Scott’s that Namibians were not citizens of the Union and were stateless peoples; the UN should allow them to come to the UN. They did not need South Africa’s permission and because they were stateless, others should issue Namibians passports and travel documents.⁴⁷⁶ He also stated the African population still hoped the UN would intervene and this hope “sustain[ed] them in all their difficulties and dangers.”⁴⁷⁷

Scott’s efforts at the UN were appreciated and supported by Kutako. Kutako told Scott “we are all very grateful to you for the invaluable service you have rendered us. Although I am old and sick it is my greatest wish that we should meet before I die.”⁴⁷⁸ After this letter, Scott began to campaign for the UN to force the Union to allow him to

⁴⁷⁴ Ibid.

⁴⁷⁵ Telegram to Union diplomatic missions in New York, Washington, Ottawa, London, and Paris from Forsyth, 14 November 1955, BTS 1/18/59, vol. 34, NASA.

⁴⁷⁶ The UN began issuing Namibians passports in the 1970s.

⁴⁷⁷ UN, Statement Made by the Reverend Michael Scott before the Fourth Committee at its 507th, 11 November 1955, A/C.4/314, BTS 1/18/59, vol. 34, NASA.

⁴⁷⁸ Letter to Scott from Kutako, 11 May 1956, BTS 1/18/59, vol. 25, NASA.

return to South West Africa and meet with the Herero leadership.⁴⁷⁹ However, as the South Africans were refusing to participate in the UN, they were unwilling to consider granting Scott a visa. In fact, while the UN was discussing the situation in South West Africa, conditions had steadily deteriorated in the territory. The pass laws had been extended and the Windhoek location, the Namibian section of the city, was in the process of being moved against the wishes of the Namibian population.⁴⁸⁰

In 1955 and 1956, the ICJ issued advisory opinions on two related subjects, the procedures over petitions from South West Africa and the admissibility of oral testimony before the Fourth Committee. The South Africans refused to take direct part in either case. They claimed since the UN did not have jurisdiction over South West Africa, neither did the ICJ. The Union administration, however, tried to influence the outcome of the cases by lobbying friendly delegations behind the scenes.

On December 6, 1954, the UN asked the ICJ for an advisory opinion asking whether or not petitions and reports on the South West Africa issue was considered part of the “important questions within the meaning of Article 18, paragraph 2, of the Charter of the United Nations.”⁴⁸¹ If the UN was incorrect on this then they wanted to know the proper voting procedures that were to discuss the South West Africa issue in both the General Assembly and Fourth Committee. Under the mandates commission, all petitions

⁴⁷⁹ Letter to Chariman of the Committee on South West Africa from Scott, 1 June 1956, BTS 1/18/59, vol. 25, NASA.

⁴⁸⁰ Letter to Chariman of the Ad Hoc Committee on South West Africa from Kutako, 11 May 1956, BTS 1/18/59, vol. 25, NASA.

⁴⁸¹ ICJ, Voting Procedure on Questions Relating to Reports and Petitions Concerning the Territory of South-West Africa, 7 June 1955, pg. 8.

had to be submitted by the mandatory power and adopted unanimously by the commission before they were discussed. Since the previous advisory ruling by the ICJ stated UN supervision over South West Africa could not exceed that allowed by the mandate, the Fourth Committee wanted to know how to examine petitions since the Union refused to submit either petitions or reports.

Union officials lobbied the US extensively in an effort to prevent the American report to the ICJ from supporting the Fourth Committee's right to petition. These efforts were unsuccessful. The US report to the ICJ stated the Fourth Committee should be able to examine and report on petitions based on a two-thirds majority, not the unanimity that had existed under the mandate. Union officials were angered by the US petition and H.T. Andrews encouraged Louw to make a private complaint to the US Ambassador and link South African displeasure with South African shipments of uranium to the US.⁴⁸² Sole believed the US' support of the 2/3 measure would "inevitably, in respect of South West Africa, loading the balance against South Africa in the international scales."⁴⁸³ The Union delegation felt betrayed by the US because they felt they had consistently stood with the US in the UN and expected the same. Sole recommended that as a consequence of the US decision, the Union should refrain from supporting US positions in future debates.⁴⁸⁴ Since the US supported the Fourth Committee's desire to examine petitions, Union delegates looked elsewhere for support. The French delegations refused to get

⁴⁸² Letter to Forsyth from Andrews, 29 March 1955, BTS 1/18/59, vol. 32, NASA.

⁴⁸³ D.B. Sole, "South West Africa: International Court," March 1955, BTS 1/18/59, vol. 32, NASA.

⁴⁸⁴ Ibid.

involved because they did not want the ICJ or UN to think they had jurisdiction in French territories and wanted to lay low.⁴⁸⁵ The Union was unable to find a champion to help them before the ICJ and on June 6, 1955, the ICJ ruled that the UN was able to examine petitions regarding South West Africa, even if they did not come from the Union as stipulated in the mandate.

Prior to the decision, Andrews was instructed by Forsyth that the Union avoid discussing the voting procedure. The official Union position rested on the opinion that any action by the ICJ was “superfluous,” because “the Union Government [did] not consider themselves under any obligation to submit reports and petitions to the United Nations and in the view of the Union the procedural question does not arise. The South African delegation should therefore abstain from voting.”⁴⁸⁶ Immediately after the decision, Louw categorically stated “We don’t care tuppence whether the United Nation’s observes the two-thirds majority rule of the unanimity rule in dealing with South West African affairs because we have consistently said the United nations has no right to concern itself with the affairs of South West Africa.”⁴⁸⁷ Even after the ruling, the Union continued to regard the issue as an internal South African problem and refused to engage with the international community over the future of Namibia.

Going into the Tenth Session of the UN, the Union delegation was instructed not to comment on the ICJ decision because they did not recognize UN supervisory powers

⁴⁸⁵ Letter to the Union Ambassador in Paris from Forsyth, 28 March 1955, BTS 1/18/59, vol. 32, NASA.

⁴⁸⁶ Letter to Andrews from Forsyth, 26 May 1955, BTS 1/18/59, vol. 33, NASA.

⁴⁸⁷ The Argus Parliamentary Correspondent, “Mr. Louw Says: ‘We Don’t Care Tuppence,’” *Cape Argus*, 11 June 1955, BTS 1/18/59, vol. 33, NASA.

and so the ICJ decision was irrelevant. They were also instructed not to respond to reports by the Committee on South West Africa because they believed that would give the Committee legitimacy. The only thing they were informed to state was the Committee was illegal and the report contained numerous errors and falsehoods.⁴⁸⁸ British officials informed the Union that their delegation would “take up a non-committal position on the International Court’s opinion” because it allowed more supervision than the mandate allowed.⁴⁸⁹ In discussions with the Fourth Committee, the South Africans realized the ICJ decision put them at a “tactical disadvantage” and they could not avoid discussing South West Africa. Going into the 10th session, the Union delegation wanted to ensure the Committee and General Assembly would denounce the possibility of oral hearings, as well as prevent any resolution that limited South African actions in South West Africa.⁴⁹⁰

In the debates over the granting of oral hearings, the American, Mexican, Thai, Chinese, British, and Belgian, delegations spoke against them, while the Indonesian, Israeli, Venezuelan, and Lebanese delegations supported oral testimony. During these discussions, Slote reiterated the Union’s position that the UN did not have supervisory powers over the territory and that oral petitions could only be heard from Trust

⁴⁸⁸ Forsyth, “Directives to Union Delegation to the United Nations,” September 1955, BTS 1/18/59, vol. 33, NASA.

⁴⁸⁹ Letter to Forsyth from Snelling, 22 October 1955, BTS 1/18/59, vol. 34, NASA.

⁴⁹⁰ Forsyth, “Directives to Union Delegation to the United Nations,” September 1955, BTS 1/18/59, vol. 33, NASA.

Territories. Since South West Africa was not under the trustee system, granting of oral testimony violated the Charter.⁴⁹¹

Even with the opposition within the Fourth Committee, Scott was once again allowed to address the UN. In his address, he stated Namibians were concerned that Native Affairs were now being run from the Union and they were forbidden by new pass laws from traveling freely from the reserves. He challenged the notion that the people of SWA were backward and needed gradual entrance into the modern world. The only reason they could be considered “backward” was the Union denied them adequate education or freedom of movement by the “white dictatorship,” which ruled South Africa. Scott also called on the Fourth Committee to send the oral testimony issue to the ICJ, because while he was able to speak before the committee, others wanted the opportunity as well.⁴⁹²

Friendly delegations informed Sole the decision to hear Scott was “a direct consequence of the withdrawal of the South African delegation.”⁴⁹³ Many within the UN believed the Union’s opposition to Scott’s testimony gave it legitimacy. If he was merely the misinformed trouble maker, then the Union would not worry about him. Sole believed

the withdrawal of the South African delegation accordingly meant that the more irresponsible elements in the Fourth Committee (Liberia, Indonesia, Syria, etc.)

⁴⁹¹ D.B. Sole, Progress Report on the Discussion in the Forth Committee of the Item on South West Africa, 18 November 1955, BTS 1/18/59, vol. 34, NASA.

⁴⁹² D.B. Sole, Progress Report on the Discussion in the Forth Committee of the Item on South West Africa, 18 November 1955, BTS 1/18/59, vol. 34, NASA.

⁴⁹³ D.B. Sole, Progress Report on the Discussion in the Forth Committee of the Item on South West Africa, 18 November 1955, BTS 1/18/59, vol. 34, NASA.

could have an almost free rein, uninhibited by any prospect that their irresponsibility would be shown up in its true light. Furthermore they could make the most of the traditional feeling in the Fourth Committee that all requests for oral hearings are virtually sacrosanct and may not be denied. Finally there is no doubt that Liberia and Indonesia (both represented by women delegates) were guided and advised by the Reverend Scott. He was anxious to make the most out of the opportunity provided by the absence of the South African Delegation.”⁴⁹⁴

Sole was incredibly worried the refusal of the Union to participate in the proceedings regarding South West Africa weakened their position.

Sole was also concerned the Liberian and Indonesian delegations “were mere instruments in Mr. Scott’s hands,” and were incapable of acting without his puppet strings. He had emphasized in a report that these two delegations were headed by women and implied they were not capable of acting on their own initiative.⁴⁹⁵ South African officials continuously had issues working with delegations that were not led by white males. Louw previously had trouble with Eleanor Roosevelt and had requested that Sayre keep her in line, and Pandit continuously gave the South African delegation fits.

Following Scott’s testimony, the United Nations decided to end the debate over oral testimonies and on December 19 requested an advisory opinion from the ICJ to clear up the issue. Union officials were reassured by the UK Attorney General since oral petitions were not allowed under the mandate, then the ICJ would rule that they were inadmissible.⁴⁹⁶ Wieschoff, of the UN Trusteeship, division also informed Jordaan that

⁴⁹⁴ D.B. Sole, Progress Report on the Discussion in the Forth Committee of the Item on South West Africa, 18 November 1955, BTS 1/18/59, vol. 34, NASA.

⁴⁹⁵ D.B. Sole, Progress Report on the Discussion in the Forth Committee of the Item on South West Africa, 18 November 1955, BTS 1/18/59, vol. 34, NASA.

⁴⁹⁶ Letter to Secretary for External Affairs from J.R. Jordaan, 4 April 1956, BLO P.S. 4/11, vol. 9, NASA.

he did not believe the ICJ would go against their previous decision and allow oral petitions.⁴⁹⁷ Both officials were wrong. On June 1, the ICJ ruled the UN could allow the Fourth Committee to hear oral petitioners. This decision radically changed the nature of the debate within the Fourth Committee. From this moment forward, Namibians became a permanent fixture at the United Nations and would continuously give oral testimony on conditions within the territory.

Almost immediately after the decision, the first Namibian to appear before the United Nations requested an audience. Mburumba Kerina, a student at Lincoln University in Pennsylvania, had begun to send in reports to the United Nations in 1955 and by beginning of 1956, he became a regular fixture at the United Nations. In his first letter to the UN, he wrote he wanted to speak as a common citizen and not interfere with Scott's work, but he had to tell the UN about the abhorrent pass laws and police brutality that controlled the life of Namibians.⁴⁹⁸ Kerina paved the way for future Namibians to make their way across the Atlantic and speak before the UN.

The presence of Scott and Kerina as well as the decisions of the ICJ angered the South Africans. Sole thought argued the Union should rejoin the Fourth Committee, because the South West African issue was going to be discussed, but if they were present they had to

⁴⁹⁷ Letter to the Secretary for External Affairs from J.R. Jordaan, 1 February 1956, BLO P.S. 4/11, vol. 9, NASA.

⁴⁹⁸ SAPA, "Will UNO Hear Student and Listen to SWA Letter," 18 October 1955, *The Windhoek Advertiser*, pg. 1.

avoid any action by the Fourth Committee harmful to the basic interests of the Union Government. In 1956, if we continue attending and participating in the discussions on South West Africa, I am confident that by pursuing the same attitude as in the past, we shall best be able to avoid any action by the United Nations which may seriously injure the interests both of the Union and of South West Africa.

However, whether we are present or not, even if we were to withdraw from the United Nations and to incorporate the Territory in the Union, I see no prospect in the immediate future of avoiding annual discussion of this item by the General Assembly. I recognize that the question of our presence at, and participation in, the South West Africa discussions must be resolved in the light of wider considerations affecting our relationship with the United Nations as a whole, but I am satisfied that, so far as the South West Africa item itself is concerned, our participation in the debates not only acts as a restraining influence, but is on balance more beneficial to the interests of the Union and South West Africa than our absence would be.”⁴⁹⁹

Sole’s assessment of actions in the Fourth Committee proved to be correct. The 1956 report of the Committee was the most critical one to date. Khoman’s, the Chair of the South West Africa Committee, attitude had soured on the Union and Sole believed he had begun trying to identify himself and his country as closely as possible with the extremists amongst the anti-colonials of the Arab-Asian group.”⁵⁰⁰ Gerig had also turned away from the Union and refused to act as a moderating influence. According to Sole, the US continued its “past policy on South West Africa, that is, to do nothing which would alienate the vast majority of members of the Fourth Committee and was therefore a matter of some disappointment.”⁵⁰¹ Sole wrote “on South West Africa we stand completely alone in the United Nations. There is not one country which agrees with us in

⁴⁹⁹ D.B. Sole, 10 Session of the General Assembly: South West Africa, 30 December 1955, BTS 1/18/59, vol. 34, NASA.

⁵⁰⁰ Letter to Forsyth from Sole, 27 July 1956, BTS 1/18/59, vol. 25, NASA.

⁵⁰¹ Letter to the Secretary for External Affairs from D.B. Sole, 8 December 1956, BPA 18/7, vol. 1, NASA.

our interpretation of our obligations. At best, our friends are inclined to abstain rather than vote with us.”⁵⁰² He believed, however, if the Union remained within the Fourth Committee then they could possibly gain some ground in the debates.

On December 6, the Fourth Committee decided they would hear oral testimony from both Scott and Kerina. In his speech before the Fourth Committee, Scott reiterated his previous concerns over conditions in South West Africa and read portions of letters from Kutako and Witbooi, which described how the takeover of the South West African Native Affairs department by Union officials had led to deteriorating conditions within the territory. Both Kutako and Witbooi protested they were being pushed into smaller reserves and there was already not enough room for all of their people. Witbooi wanted the UN to know all of the African people were one, and they all needed to work together to stop the pass laws and forced relocation of their people. Scott summed up their petitions by stating in both the South West Africa and the Union “the law [had] become an instrument not of justice but of draconian oppression for the majority of the people by a privileged caste of white-skinned people.”⁵⁰³ Scott was citizen by the Khoman who told him that he could only discuss South West Africa, not the Union because the Fourth Committee did not have jurisdiction in the internal issues of a member state. Even when describing the appalling conditions within South West Africa, apartheid was off limits in the Union.

⁵⁰² Letter to Forsyth from Sole, 27 July 1956, BTS 1/18/59, vol. 25, NASA.

⁵⁰³ Michael Scott, “Statement made at the 570th meeting of the Fourth Committee,” 10 December 1956, BTS 1/18/59, vol. 36, NASA.

Kerina's first speech in front of the Fourth Committee came on 11 December 1956. He was the first Namibian to be heard in front of the Committee and his presence was a transformative moment in the South West African issue. He began by clearing up some issues with his name. Union officials referred to him as Mburumba Getzen and claimed he was a coloured from South West Africa descended from a German settler. He said in order to receive a passport he changed his name, but his true name was Murumba Kerina and he was a Herero from Namibia. Besides changing his name to receive a passport, he was told by the South African authorities in order to gain permission to study in the US he had to promise that he would not discuss race relations in South West Africa and he was not to come back to South West and discuss equality. He was led to believe if he violated either of these rules he would be shot on his return.

The South Africans did not stick around to hear either Kerina's or Scott's speeches. On November 30, Sole informed the Fourth Committee that the South African government would only "be represented in the General Assembly on a nominal basis" and they would not be participating in the activities of the Fourth Committee. The South African delegation essentially withdrew from the United Nations because of the deteriorating conditions regarding the South West Africa debate and the General Assembly's decision to discuss apartheid and the Indian issue.⁵⁰⁴ With the ICJ allowing both written and oral decisions, the only voice heard at the end of the 10th and throughout the 11th sessions of the United Nations was that of Namibians. The fight for the right to

⁵⁰⁴ A/C.4/338, 4 December 1956, BLO P.S. 4/11, vol. 9, NASA.

be heard throughout the 1950s created a major victory for the people of Namibia, and from then on, they would be able to bring their message directly to the United Nations over the protests of the Union.

CHAPTER 4: A NEW APPROACH, MOBILITY, MASSACRE, AND NATIONALISM

As D.B. Sole predicted at the end of 1956, the Union's withdrawal from the United Nations did not stop the Fourth Committee from discussing the Union occupation of South West Africa. Three ICJ decisions between 1950 and 1956 reiterated the role of the UN in determining the future of South West Africa. After the ICJ rulings the Union could not avoid UN interference in its administration of the territory. The 1956 ICJ decision regarding oral petitioners radically transformed the nature of the debates over South West Africa. Namibians now had the legal right not only to petition the UN, but also present oral testimony before the Fourth Committee. With the boycott of the UN by South Africa, the only voices heard from Southern Africa were those in support of Namibians including for the first time, Namibians themselves. From 1956 until independence in 1990, Namibians continuously presented testimony to the Fourth Committee in their bid for independence.

South Africa's withdrawal from the UN in 1956 had one unintended consequence. The hostile rhetoric against South Africa over the proceeding decade began to taper off in 1957. The British and American delegations in particular, were concerned by the Union's boycott of the UN and wanted to bring South African officials back to the negotiating table. Even during the frustrating of periods of negotiations between Union officials and the UN in the early 1950s, many delegations hoped an acceptable solution could be agreed upon between the UN and the Union. However, with the Union refusing

to participate in the discussions, many feared the Union would speed up its implementation of apartheid and the UN would be left out of any decision regarding the future of Namibia. With these concerns in mind, the Committee on South West Africa began to discuss a new approach to the situation in South West Africa. Led by the US and British, the committee formed a Good Offices Committee that would have a lot of leeway in coming up with a solution to the impasse over the territory. The Good Offices Committee was charged with the task of bringing the Union back to the negotiating table. The new approach by the Fourth Committee as well as the General Assembly mostly avoiding the apartheid issue convinced the Union to return to the UN as full members in 1958.

The negotiations would not go as planned, as two Namibian issues would prejudice the Fourth Committee against the Union and cause Union officials to close ranks and push the UN aside. In 1959, a young Namibian, Hans Beukes, “illegally” traveled to the UN’s meetings in New York. His story captured the attention of activists around the world and threatened the Union’s relationship with the UN, Great Britain, and the United States. In December of the same year, the long dispute over the future of the Native Location in Windhoek came to a head as a protest over relocation and beer ended with the South African Police opening fire into a crowd and killing eleven Namibians in what became known as the Old Location Massacre. The arrival of Hans Beukes in New York and the murder of protesters in Windhoek helped end the congenial atmosphere within the United Nations and transformed the nature of the struggle for Namibian

nationalist. By 1960 leading Namibians realized that the previous strategies of each group representing themselves abroad was ineffective and two competing multi-ethnic nationalist organizations emerged and competed for global support and funds in their attempts to end South African rule.

Even after the victory at the ICJ regarding oral petitioners and South Africa's temporary exit from the UN, Kutako was pessimistic about the future of Namibia at the beginning of 1957. He wrote to the Secretary General to express gratitude for the work being done on behalf of the Namibian people, but that the situation in the territory continued to deteriorate. The Union still refused to grant passports to Namibians and had expanded apartheid and the pass laws. He believed that "persuasion of the Union Government has so far failed and will always fail as long as the Union Government is allowed to continue having an undisturbed hold over South West Africa and an unlimited right of determination of Policy in S.W.A." and that the "Non-Europeans are retrograding in every way."⁵⁰⁵ He wanted the UN to expand their activities regarding South West Africa and to push for an immediate end to South Africa's occupation of Namibia.

Scott, however, was not relying just on the United Nations to bring about the end of South African rule. Kwame Nkrumah had invited him to Ghana to celebrate Ghanaian independence. While there, Scott began to work on Nkrumah to commit to helping him both within and outside the United Nations. He told Nkrumah that while he wished the UN could do more, they might be able to slow the transition to apartheid within Namibia.

⁵⁰⁵ Letter to Secretary General from Hosea Kutako, 5 February 1957, Michael Scott Collection, Box 2, File SWA 1940s-1950s, Rhodes House, Oxford.

He also requested that Nkrumah work with the United Nations to work on a new approach to the entire situation.⁵⁰⁶ Scott wanted to ensure that as more African nations entered the United Nations that they would come in firmly on the side of the Namibian people. This strategy proved to be effective. Asare, the Ghanaian Minister of Communications, told the UN in October that the Union's "flagrant disregard" of the Mandate was a "challenge to the very existence of the United Nations" and that the treatment of Namibians was the "very worst form of imperialistic exploitation."⁵⁰⁷ He demanded that the UN move quickly to resolve the situation.

Both Scott and Kerina spoke before the Fourth Committee in September. Scott reemphasized the deteriorating conditions for Africans within the territory stating that over the last ten years the Union had "whittle[d] away the few rights possessed by the indigenous people."⁵⁰⁸ He described the people of Namibia as wards of the UN that the international community had an obligation to protect. Most of his evidence was based on a letter from Kozonguizi who described the horrendous conditions within the territory.⁵⁰⁹ Kerina spoke in a similar vein, but seemed confused over the legal status of the territory. He stated that for the last eleven years the people of South West Africa have earnestly hoped that South Africa as a member of the UNO would be persuaded to place their

⁵⁰⁶ Letter to Nkrumah from Scott, 22 March 1957, Scott Papers, Box 2, File SWA (Namibia,) 1940s-1950s, Rhodes House, Oxford.

⁵⁰⁷ SAPA, Summary of Discussion of South West Africa by the Trusteeship Committee: Application of Apartheid in the Territory, October 1957, BTS 1/18/12, vol. 4, NASA.

⁵⁰⁸ Michael Scott, Statement made at the 653rd Meeting of the Fourth Committee, 26 September 1957, BTS 1/18/59, vol. 37, NASA.

⁵⁰⁹ Michael Scott, Statement made at the 653rd Meeting of the Fourth Committee, 26 September 1957, BTS 1/18/59, vol. 37, NASA.

country under the UNO Trusteeship System, as it is required by the Charter.”⁵¹⁰ Kerina’s unfamiliarity with the decisions of the ICJ made him seem irresponsible to many delegations. One South African official wrote that Kerina had not made a good impression and that friendly delegations viewed him as irresponsible if not an outright liar.⁵¹¹ While Kerina’s opening talk at the UN was underwhelming, he became a fixture of Namibian activism over the next decade.

With the exception of the Ghanaian delegation and the presence of Scott and Kerina, the criticisms at the UN in 1957 were muted. P.W. Botha, Slote’s replacement, wrote “that the rather wild and hostile atmosphere which has in the past been a trademark of the Fourth Committee on the question of South West Africa, has not been much in evidence this year.”⁵¹² The Fourth Committee was still critical of the Union, but the violent condemnation from previous years was noticeably absent. Khoman and others were concerned that the Union’s withdrawal from the UN would lead to a deteriorating situation and many were looking for a new approach that would finally resolve the situation and attacking South Africa would not help the situation.⁵¹³ In an effort to resolve the situation, Khoman introduced a resolution that would create a Good Offices Committee (GOC) to negotiate with the Union. The Good Offices Committee would have wide latitude in discussing a possible solution, unlike the previous committees that

⁵¹⁰ Mburumba Kerina Getzen, Statement made at the 653rd Meeting of the Fourth Committee, 26 September 1957, BTS 1/18/59, vol. 37, NASA.

⁵¹¹ Report to Jones from Botha, 28 September 1957, BTS 1/18/59, vol. 37, NASA.

⁵¹² Letter to Jones from Botha, 4 October 1957, BTS 1/18/59, vol. 37, NASA.

⁵¹³ Letter to Jones from Botha, 4 October 1957, BTS 1/18/59, vol. 37, NASA.

dealt with the issue. Khoman had discussed the possibility of the Committee with a multitude of South African officials to find out if they would be receptive to this approach. It was hoped that this committee could achieve a compromise where the others had failed.⁵¹⁴

The membership of the committee was of paramount importance. The Union had to have a working relationship with the committee members. The United States and United Kingdom were selected to be on the committee, but the third delegate was debated within the Fourth Committee. The Indians wanted to be a part of the delegation, but the Americans and British successfully argued that the inclusion of an Indian on the Committee would destroy any chance at a compromise. The Indian and South African delegations had been feuding for years and would not be able to set aside their differences. In the end, the committee decided that Brazil would be a neutral voice the Union could work with.⁵¹⁵ Khoman was heavily criticized for pushing the Fourth Committee to accept the British, Americans, and Brazilians onto the Good Offices Committee. He defended himself by arguing that the lack of a hostile delegation gave the committee a legitimate chance to succeed where others had failed. The Union had agreed in principal to meet an impartial or friendly delegation and the GOC was designed to succeed.⁵¹⁶

⁵¹⁴ Letter to Jooste from Botha, 25 October 1957, BTS 1/18/12, vol. 1, NASA.

⁵¹⁵ Letter to Jones from Botha, 12 October 1957, BTS 1/18/12, vol. 1, NASA.

⁵¹⁶ Letter to Jooste from Botha, 25 October 1957, BTS 1/18/12, vol. 1, NASA.

The British delegation told Botha that they believed the Good Offices Committee could be successful as long as the UN avoided strong condemnations against apartheid or the Indian issue. The British also wanted the GOC to take public opinion within the Union seriously and not to push for unrealistic compromises. In that vein, it was suggested that the GOC meet in London, not in the United States. Some feared that if the meeting was held in the US then the State Department's insistence that the Union submit a trusteeship agreement would derail the entire operation, because the Union had categorically rejected the concept of trusteeship.⁵¹⁷ Botha was optimistic about the possibilities of the GOC. The purpose of the GOC was to negotiate with the Union, not make proposals that the Union must accept or reject. The Committee also would only last as long as the South Africans were willing to negotiate with it and since the British and Americans were not openly hostile towards the Union, then it had a chance to succeed. The initial plans were for the Committee to begin negotiations with the Union in March or April of 1958.⁵¹⁸ The Committee for South West Africa also decided that they would not try to negotiate with the Union because that was now the job of the GOC.⁵¹⁹ Louw told the South African press that there was "no serious objection to our meeting the 'Good Offices Committee' and hearing what 'new approach is envisaged,'"

⁵¹⁷ Letter to Jooste from Botha, 15 November 1957, BTS 1/18/12, vol. 1, NASA.

⁵¹⁸ Letter to Jooste from Botha, 6 December 1957, BTS 1/18/12, vol. 1, NASA.

⁵¹⁹ Letter to Jooste from Botha, 9 January 1958, BTS 1/18/59, vol. 38, NASA.

but that the Union would continue to maintain complete sovereignty over South West Africa.⁵²⁰

In the months before the meetings between the GOC and Union officials, each side planned how to resolve the situation. Heinrich Wieschhoff, a confidant of UN Secretary General Dag Hammarskjöld and member of the UN Secretariat, wrote that the GOC was designed “not be to negotiate a treaty but merely to seek common ground for an understanding and subsequently to report to the General Assembly.”⁵²¹ He believed that this approach could solve the issue because it would create a neutral forum to discuss how to bring South West Africa under the jurisdiction of the UN, but in a way that would not exceed the mandate. Wieschhoff wanted to make sure the United Nations recognized the direct link between discussing apartheid and the negotiations over South West Africa. He argued that along with allowing oral petitioners, discussing apartheid was counterproductive and would only anger the Union. If the General Assembly or Fourth Committee acted irresponsibly then the Union would just leave and the international community would lose their ability to resolve the situation. His advice to the GOC was to not take anything off the table and he advised the General Assembly to seriously consider any deal reached between the GOC and Union.⁵²² Wieschhoff also gave Botha a letter that suggested possible strategies to take with the GOC. He believed that a

⁵²⁰ Dan Minaar, “Good Offices Committee will be Received But . . .,” 21 March 1958, *The Windhoek Advertiser*, pg. 7.

⁵²¹ Heinrich Albert Wieschhoff, “The Good Offices Committee on South West Africa: Some Suggestions,” March 1958, BTS 1/18/12, vol. 1, NASA.

⁵²² Heinrich Albert Wieschhoff, “The Good Offices Committee on South West Africa: Some Suggestions,” March 1958, BTS 1/18/12, vol. 1, NASA.

solution would take years and that he would recommend that the Fourth Committee, not allow oral petitioners and even avoid discussing the South West African issue while the GOC met.⁵²³ One reason Union officials were so willing to work with the GOC was because they took Wieschhoff's personal advice as the policy of the Secretary General. If followed it would effectively censor the Namibian voice at the UN. The right to petition and give oral testimony would be circumvented and the Union would be able to present their case without being challenged.

During the initial meetings in London, Union officials did not meet with the GOC. At this meeting, the Committee decided how they were going to proceed with the negotiations. Wieschhoff told Botha that Sir Charles Arden-Clarke, the British delegate, and Ambassador da Cunha, the Brazilian delegate, were realistic and open to any suggestions, while the American Walmsley was "too much bound by what the State Department might think."⁵²⁴ Walmsley thought that the GOC should push the Union to accept a trusteeship agreement for the territory. During the course of their deliberations, the GOC discussed creating a South West Africa committee that would act identically to the mandate commission, and that this might be an agreement the Union could accept. In the end the GOC did not come to any firm conclusions about how their negotiations with the Union should go, but remained optimistic that an agreement could be reached.⁵²⁵ In his discussions with Botha, Wieschhoff wanted to ensure that Botha knew that all of the

⁵²³ Letter to Jooste from Botha, 28 March 1958, BTS 1/18/12, vol. 1, NASA.

⁵²⁴ Letter to Jooste from Botha, 21 May 1958, BTS 1/18/12, vol. 2, NASA.

⁵²⁵ Letter to Jooste from Botha, 21 May 1958, BTS 1/18/12, vol. 2, NASA.

information about the meetings in London was told under the strictest confidence. He did not want the other members of the GOC to know that he was informing the Union about the negotiations within the committee. They planned to hold discussions with the Union in South Africa in early June.⁵²⁶ UN officials wanted to ensure that the proposed trip to South Africa was paid for entirely by the UN so that it did not appear as if the Union was buying off the committee.⁵²⁷

The GOC arrived in South Africa in early June and began their deliberations with the Union. Louw wanted to ensure that the nature of the meetings be kept under wrap and that the press be kept uninformed of the discussions, because they could be embarrassing for all involved.⁵²⁸ Louw's plans were successful, the meetings between the Good Offices Committee and Union officials were done in secrecy, and nothing was let out.⁵²⁹ Union officials immediately rejected any UN supervision over the territory either through a revived mandates style commission or by submitting a trusteeship agreement.

During their meetings in May, the GOC suggested that partitioning South West Africa could be a viable option, but that they should wait for the Union to bring it up. Partition could solve the problem with the areas outside of the Police Zone becoming independent or placed under a trusteeship agreement and the southern portions of the

⁵²⁶ Letter to Jooste from Botha, 21 May 1958, BTS 1/18/12, vol. 2, NASA.

⁵²⁷ Letter to Jooste from W.D. van Schalkwyk, 19 May 1958, BTS 1/18/12, vol. 2, NASA.

⁵²⁸ SAPA, "Eric Louw Wants No Speculation About Good Offices Committee Now Coming To Pretoria," 3 June 1958, *The Windhoek Advertiser*, pg. 2.

⁵²⁹ "Good Offices Visit But Nobody Knew," 1 July 1958, *The Windhoek Advertiser*, pg. 3.

country could then be annexed by the Union. The GOC did not think this would be able to pass the General Assembly without major negotiations, but that it was worth considering.⁵³⁰ During the deliberations between the Union and GOC in Pretoria, the partition issue was seen as a chance to solve the problem. The majority of the African population lived outside of the Police Zone north of Windhoek. Both the GOC and Union officials believed that if it was packaged correctly partition had a chance of passing through the UN. Virtually zero whites lived in the police zone and so even with a trusteeship agreement placed over the territory, South African racial policies would not be a concern. The Union would only agree to go along with this agreement if the UN would then stop worrying about apartheid in either South Africa or South West Africa. The Committee decided that they could recreate the mandate system with France, UK, and the Union as permanent members with the election of former League members to round out the new Mandates Commission. They also suggested partition with the northern portion being placed under trusteeship and the southern portion joining the Union after UN supervised elections that included universal suffrage or ruled as a mandate as before.

During the discussions, Union officials protested that the UN had poorly handled the SWA issue beginning with the refusal to allow incorporation in 1946 even though 90% of the population wanted it and oral petitions, which the Union believed, violated the charter and were never permitted under the mandate. Union officials were also upset

⁵³⁰ Good Offices Committee on South West Africa, "Synopsis of the Preliminary Discussion of a Plan to Partition South West Africa," 12 May 1958, DO 35, file 10609, National Archives of Great Britain.

over the constant interference in their internal affairs by the UN. While the negotiations were more productive than any other, at the end the Union still refused to accept UN jurisdiction over the mandate or the territory, but they would enter an agreement with the US, UK and France. In the end, the GOC believed that partition would be the best bet for an agreement.⁵³¹

Sir Arden-Clark in a meeting with members of the Commonwealth Relations Office relayed his experience in Pretoria. He believed that “Union Ministers were genuinely anxious to work their way back into the United Nations, provided this could be done without loss of face.”⁵³² He saw the agreement of the South Africans to the issue of partition to be evidence of this. Union officials were willing to give up a portion of South West Africa in order to get back into the good graces of the UN, but were still “adamant that they would not accept any form of accountability to the United Nations.”⁵³³ Arden-Clarke suggested that the British delegation should work closely with other delegations to convince them that the partition plan was a legitimate solution and should not be dismissed as a stalling tactic. He believed that with British and American support that the plan had a chance to succeed.⁵³⁴

⁵³¹ UN, Report of the United Nations Good Offices Committee on South West Africa, 27 August 1958, BTS 1/18/12, vol. 3, NASA.

⁵³² Common Wealth Relations Office, “United Nations Good Offices Committee on South West Africa,” 2 July 1958, DO 35, File 10609, National Archives of Great Britain.

⁵³³ Common Wealth Relations Office, “United Nations Good Offices Committee on South West Africa,” 2 July 1958, DO 35, File 10609, National Archives of Great Britain.

⁵³⁴ Common Wealth Relations Office, “United Nations Good Offices Committee on South West Africa,” 2 July 1958, DO 35, File 10609, National Archives of Great Britain.

The British Foreign Office was not as optimistic as Arden-Clarke over the success of the partition plan. While they believed it was administratively workable, they did not think that the Third World delegations would accept partition. If South West Africa was split and became part of the Union then the legal ability of the United Nations to discuss the racial situation in South Africa would be harmed. Some in the General Assembly saw South West Africa as the window in which they could attack South Africa racial policies. Not only would members of the Afro-Asian bloc try to stop the plan, but there was a real possibility that the US State Department would refuse to support any plan that did not lead to a trusteeship agreement for the entire territory.⁵³⁵

Unfortunately, for the Union, news of the partition plan leaked to the press before the British could begin their lobbying efforts. Louw wrote to both Arden-Clarke and da Cunha telling them that the leak did not come from the South Africans. He reassured them that only senior ministers knew of the plan and hinted that the leak came from the US State Department.^{536 537} In his letter to Walmsley about the leak, Louw reiterated that it did not begin with the South Africans, but he did not accuse the Americans of spilling the story to the press. Wieschhoff also believed that the leak came from the Americans.

⁵³⁵ Foreign Office Telegram, 18 July 1958, DO 35, file 10609, National Archives of Great Britain.

⁵³⁶ Letter to Arden-Clarke from Louw, 7 July 1958, Louw Papers, vol. 12, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

⁵³⁷ Letter to Vasco da Cunha from Louw, 7 July 1958, Louw Papers, vol. 12, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

He overheard the Soviet and Indian delegates joking about the partition issue before his office was completely informed, so it could not have come from the Secretariat.⁵³⁸

Union officials decided that they would participate fully in the United Nations in 1958, because of the positive steps the Fourth Committee and General Assembly took to work with and not against the Union. The negotiations between the Union and the Good Offices Committee demonstrated the new commitment of the UN to hold real negotiations rather than accuse the Union of acting improperly.⁵³⁹ Louw hoped that this new moderate UN would last and that the two parties could solve their many differences. Louw told parliament that if the UN once again attempted to interfere in internal South African affairs, by discussing either the apartheid or Indian issues or being demanding on the South West African issue then they would have to reevaluate their role in the UN. Louw hinted that if the UN acted as they had in previous years then the Union would permanently withdraw from the United Nations.⁵⁴⁰

Arriving back at the United Nations, Union officials believed that they could finally proceed on the South West African issues and believed that the “new approach” would shield them from attacks in both the Fourth Committee and the General Assembly. Botha thought that the negotiations with the GOC went really well with one major exception. He argued that the attacks on the Union over Apartheid and the treatment of

⁵³⁸ Letter to Sir Charles Aden-Clarke from South African Department of Foreign Affairs, 7 July 1958, BTS 1/18/12, vol. 3, NASA.

⁵³⁹ “Union Walks Back into UNO to Play a Full Part: Minister Louw to Lead,” 18 July 1958, *The Windhoek Advertiser*, pg. 14.

⁵⁴⁰ Statement by Louw, 1958, Louw Papers, vol., 51, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

Indians within the Union should stop if the UN was going to negotiate in good faith. He desperately tried to link the negotiations over South West Africa with the attacks on the Union and tried to get the apartheid and Indian issue declared as a violation of the UN's charter.⁵⁴¹

Kutako, Kerina, Kozonguizi, and Scott did not sit idly by while the Union negotiated with the Good Offices Committee. Leading Hereros wrote to the UN about the new Chief Native Commissioner, Blignaut. Blignaut had told the Herero to stop writing to Scott and the UN, because they could not help the Herero and to accept the fact that they were under South African rule.⁵⁴² Scott publically compared South African control to the Cold War, saying that by refusing to allow Kutako and others to travel to the UN they had created an Iron Curtain around South West Africa.⁵⁴³ The Fourth Committee throughout the late summer and fall continued to read and analyze petitions from Namibians and Scott. The Union tried to discredit Scott as an extremist and a communist who only was trying to cause problems. They used his recently published memoir *A Time to Speak*, particularly his flirtation with communism in the interwar years. Union officials described him as an “unstable and vacillating character with his self-confessed double standard and ‘duplicity’ is the type of person that Members of this responsible Committee blindly accepted as the representative of the Natives of South

⁵⁴¹ Letter to Jooste from Botha, 11 July 1958, BTS 1/18/12, vol. 3, NASA.

⁵⁴² SAPA, “Scott Will Again Appear at UNO Hearing,” 5 September 1958, *The Windhoek Advertiser*, pg. 17.

⁵⁴³ SAPA, “Iron Curtain Round SWA Says Michael Scott,” 5 September 1958, *The Windhoek Advertiser*, pg. 1.

West Africa! Members of this Committee should think twice before allowing a witness of this type”.⁵⁴⁴ This broadside was not particularly effective. Scott had previously acknowledged his flirtation with communism and successfully convinced most UN delegations that he no longer accepted communism and that his concern with South West Africa came from his deep Christian faith.

The Fourth Committee in its deliberations over South West Africa accepted a request by Scott to speak before them. Louw claimed that by hearing Scott the Fourth Committee was undercutting the Good Offices Committee and that the Fourth Committee was trying to destroy the “new approach”. In response, Louw withdrew the South African delegation from the Fourth Committee and said that the Union would only discuss South West Africa with the GOC.⁵⁴⁵ In a conversation with Walmsley, Assistant Secretary of State, Union officials questioned whether Scott should be allowed to speak before the Fourth Committee. Walmsley cautioned the Union on reacting too strongly to Scott’s presence, because the more South Africa protested the more others wanted to hear what Scott had to say. Union officials believed that the issue was larger than Scott and that the Fourth Committee was actively trying to destroy the work of the GOC and must be stopped.⁵⁴⁶

⁵⁴⁴ Michael Scott’s Past Record, September 1958, Louw Papers, vol. 65, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

⁵⁴⁵ Radio Broadcast by Louw, September 1958, Louw Papers, vol. 65, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

⁵⁴⁶ Memo, 23 September 1958, BTS 1/18/12, vol. 4, NASA.

On 12 September, *The Windhoek Advertiser* published a letter from Kutako that spoke out against partition. Kutako wrote that, “South West Africa is a geographical unit and can therefore not be partitioned without endangering its inhabitants socially, economically and politically. If it is partitioned, it would not be able to exist as a territory and it would be robbed of its rights as an international Territory whose aim is to foster the sacred trust of civilization.”⁵⁴⁷ Under the partition plan the Herero would be incorporated into the Union and lose what little protection their international status provided them. Kutako was not the only one who fought against the partition plan. Africans universally criticized partition. The Afro-Asian group in the UN also preemptively sponsored and pushed through a resolution criticizing partition before the issue could even be discussed by the Fourth Committee over the protest of the US and British delegations.⁵⁴⁸

With the increasing hostility of the Fourth Committee Jooste began to question the wisdom of continuing to negotiate with the UN over South West Africa. He told the Secretary for External Affairs that in his opinion “continued participation would considerably weaken Union’s tactical position and also damage Union’s prestige,” so the Union should not work with the UN.⁵⁴⁹ Louw in his first address before the UN since 1956 criticized the Committee on South West Africa for sabotaging the Good Offices

⁵⁴⁷ Hosea Kutako, “Herero Chief Rejects Objects to Partition of SWA,” 12 September 1958, *The Windhoek Advertiser*, pg. 1.

⁵⁴⁸ SAPA, “Good Offices Committee Says Union Showed Interest in Partition,” 31 October 1958, *The Windhoek Advertiser*, pg. 7.

⁵⁴⁹ Telegram to Naude from Jooste, 2 October 1958, BTS 1/18/59, vol. 38, NASA.

Committee and destroying the spirit of reconciliation that had convinced the Union to return to the UN. He also warned that if the Fourth Committee continued attacking the Union then the progress over South West Africa would cease.⁵⁵⁰ The Fourth Committee's attack on South Africa became rampant in October. The Liberian delegate demanded that South Africa leave the territory at once and called it one of the key problems in the world. The Soviet delegation referred to the treatment of Africans comparable to a "feudal state" and criticized the illegal incorporation of the territory by the Union.⁵⁵¹ Arden-Clarke was also targeted for his participation in the negotiations over partition. The Yugoslavian delegate asked him if the committee had considered the Namibian population in their discussions with the Union. Arden-Clarke reacted angrily stating that "during his 35 years of work in Africa, with Africans and for the good of Africans, nobody ha[d] ever found it necessary to put such a question to him," but that it raised a good point that the committee should do more to show that they "at all times have the interests of the indigenous population at heart".⁵⁵² The Union delegation was informed by Pretoria that any future negotiations with either the GOC or the UN would be based upon the "spirit by which it is animated, and the manner in which it is framed," as well as the nature of the conversations in the Fourth Committee and General Assembly and the composition of the new committee. Union representatives were warned not to

⁵⁵⁰ SAPA, "Eric Louw Speaks at UNO of Sabotage and Issues Grave Warning," 26 September 1958, *The Windhoek Advertiser*, pg. 19.

⁵⁵¹ SAPA, Summary of the South West Africa Debate in the Trusteeship Committee, October 1958, BTS 1/18/12, vol. 4, NASA.

⁵⁵² South West Africa: Reply by Chairman of Good Offices Committee to Questions, October 8, 1958, Louw Papers, vol. 120, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

commit the government to any position, but to state that they would be open to negotiation as long as it was based on the above criteria.⁵⁵³

Within the Fourth Committee, a contentious discussion over the future of the Good Offices Committee broke out. The Tunisian Delegate, Dr. Abdesselam, said that Tunisia had not believed in the GOC, but that it did manage to bring the South Africans back to the Fourth Committee, even if only for a short time. He supported a continuation of the Committee only if partition or annexation were removed as possible solutions to the impasse.⁵⁵⁴ The Polish delegate, Mr. W Roozinski, did not understand why the UN was discussing the continuation of the Committee arguing that it had already been “killed by none other than . . . Eric Louw,” and that Poland opposed going through with another Committee that will only showcase South Africa’s refusal to work with the UN.⁵⁵⁵ Portuguese delegate, Alberto Franco Nogueira, supports the reestablishment of the Committee, because he believes it has the best chance of working out a solution.⁵⁵⁶ The US delegate, Irving Salomon, also argued that the Committee should be renewed in its current form.⁵⁵⁷ Salomon continued by arguing that the Committee is the only option to move forward in the quest to provide the “indigenous people of South West Africa” to secure “equality, the inalienable dignity of human beings and the opportunity for

⁵⁵³ Secret Telegram to Union Delegation to UN, October 11, 1958, BTS 1/18/1, vol. 2, NASA.

⁵⁵⁴ Telegram Loc. 535, Southwest Two, 15 October 1958, BTS 1/18/1, vol. 2, NASA.

⁵⁵⁵ Telegram Loc. 542 Southwest Four, 15 October 1958, BTS 1/18/1, vol. 2, NASA.

⁵⁵⁶ Telegram Loc. 543 Southwest Five, 15 October 1958, BTS 1/18/1, vol. 2, NASA.

⁵⁵⁷ Telegram Loc. 568 Southwest Six, 15 October 1958, BTS 1/18/1, vol. 2, NASA.

political, educational and economic improvement.”⁵⁵⁸ Gilbert Longden, the UK Delegate, pointed out that the Union has been cooperating with the UN, and that “some delegates had been less than generous in failing to acknowledge and welcome this change of attitude.”⁵⁵⁹ The Liberian delegate, Angie Brooks, said the Committee should be renewed and expanded by two representatives, one from Africa the other from Latin America.⁵⁶⁰ The British also believed that the South West Africa situation needed to be resolved and that the Good Offices Committee was the best method for a resolution. In light of that they voted for the resolution renewing the Committee.⁵⁶¹

Ronald Blecher, the Acting High Commissioner for the United Kingdom in South Africa, informed Louw that the UK would not nominate a new delegate for the Good Offices Committee unless the South Africans were willing to negotiate with the GOC. Blecher warned the South Africans that if the Union refused to work with the GOC, then the failure to find a solution would fall squarely on the Union. However, if the Union continued with the negotiations and either the Fourth Committee or the General Assembly became hostile towards the negotiations then the failure to come up with a solution would fall squarely on the UN.⁵⁶² Louw and Jooste recommended that the Union follow Belcher’s suggestions and continue working with the committee in the hope

⁵⁵⁸ Telegram Loc. 659 Southwest Seven, 15 October 1958, BTS 1/18/1, vol. 2, NASA.

⁵⁵⁹ Telegram Loc. 36, South West Intro, 17 October 1958, BTS 1/18/1, vol. 2, NASA.

⁵⁶⁰ Telegram Loc. 78, South West 23, 17 October 1958, BTS 1/18/1, vol. 2, NASA.

⁵⁶¹ Telegram from S.A. Permanent Delegation to the UN to Secretary for External Affairs, 23 October 1958, BTS 1/18/1, vol. 2, NASA

⁵⁶² Jooste, Aide-Memoire, 26 November 1958, BTS 1/18/12, vol. 4, NASA.

that the UN itself would prevent a solution, which would make the South Africans look like the victims.

While Union and UN officials tried to negotiate for the future of the GOC, criticism was springing up around the globe. The All Africa People's Conference in Ghana condemned the Good Offices Committee and demanded that Namibia be placed under a trusteeship agreement. The All Africa People's Conference further demanded that all non-self governing territories be granted immediate independence or be granted trusteeships.⁵⁶³ Toivo Ja-Toivo and F. Isaacs of the Ovamboland People's Congress also wrote a letter directly to the Secretary-General questioning Wieschhoff's participation in the GOC. Ja-Toivo and Isaacs were concerned with the amount of praise that Louw and been giving Wieschhoff and believed that anyone that Louw like was dangerous for the Namibian people.⁵⁶⁴ They had a reason to be concerned. Wieschhoff had worked to keep the South Africans informed about the secret meetings of the GOC and seemed to want a solution even if it was not in the best interest of the Namibian people. Wieschhoff told Fourie that he did not believe that the letter criticizing him came from the Ovamboland People's Conference, but that it was created by Kerina and then sent to Namibia. Fourie agreed with him because he thought "the second signature is obviously that of a European or a well educated Coloured-the handwriting of F. Isaacs is certainly

⁵⁶³ Resolutions to All African Peoples' Conference, Michael Scott, 1958, Scott Papers, Box 86, Rhodes House, Oxford.

⁵⁶⁴ Letter to Secretary General of the United Nations from Toivo Ja-Toivo and F. Issacs, 29 December 1958, BTS 1/18/12, vol. 4, NASA.

not that of a Native.”⁵⁶⁵ As late as 1958 the South Africans were in denial that legitimate criticism of their rule could originate within Namibia or Africa. Herero and Liberian criticism were the work of Scott, and ja-Toivo and Isaacs were merely stooges of Kerina.

The work of the Good Offices Committee and the willingness of the South Africans to negotiate with the United Nations hit a major roadblock in 1959 when the Committee on South West Africa invited two Namibians, Fanuel Jariretundu Kozonguizi and Hans Beukes to appear before them. Kozonguizi had written the UN in 1954 and the Fourth Committee had requested his presence. However, as with Kutako, Union officials had refused to grant Kozonguizi a passport to attend the United Nations meetings. After writing his initial letters to the UN, Kozonguizi faced repercussions from the South African authorities. He was prevented from working and struggled to make it in Namibia. He told *The Windhoek Advertiser* that his early letters to the UN were written in the folly of his youth and did not represent his views in 1957. The editor of the *Advertiser* believed that Kozonguizi became radicalized because he could not find employment. He had become certified as a teacher, but was unable to find work so he moved to Cape Town to study international law. In Cape Town Kozonguizi became active in trying to improve the conditions for the Herero in South West Africa.⁵⁶⁶

Kozonguizi joined the ANC while in Cape Town and regularly met with other Namibians who were interested in unifying the Namibian people to oppose the South

⁵⁶⁵ Letter to Jooste from Fourie, 14 April 1959, BTS 1/18/12, vol. 4, NASA.

⁵⁶⁶ “Could Find No Job in South West Now Invited To UNO,” 11 October 1957, *The Windhoek Advertiser*, pg. 1.

African government. He became the president of the South West African Student Body and was the first president of the South West African National Union (SWANU). SWANU was founded in 1959 and was the first pan-Namibian nationalist organization.⁵⁶⁷ Kozonguizi worked with Ja Toivo to organize the Ovambo and Herero into SWANU, with the blessing of Kutako.⁵⁶⁸ Both Ja Toivo and Kozonguizi left Windhoek in 1958, which slowed the development of SWANU. Ja Toivo was arrested and imprisoned by the South Africans and the Herero Chief's Council decided to send Kozonguizi to the UN. In an interview with historian Tony Emmet, Kozonguizi said that Scott had become disenchanted with Kerina and requested that the Herero send a delegate to the United Nations to present evidence against the South Africans. Scott argued that neither he nor Kerina had not been to Namibia in years and therefore could not speak authoritatively on conditions within the territory.⁵⁶⁹

Kozonguizi left Namibia on February 10, 1959, via Bechuanaland, on his way to the New York as a representative of the Herero Chief's Council.⁵⁷⁰ By the middle of April Kozonguizi had reached Accra where he sought the help of both the United Nations and Scott to secure an American visa. Scott wrote to the Committee on South West Africa asking them to request his presence as they had in 1957, which would facilitate an

⁵⁶⁷ Tony Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, (Basel: P. Scheltwein Publishing, 1999), 275-276.

⁵⁶⁸ Emmett, 278.

⁵⁶⁹ Emmett, 299.

⁵⁷⁰ Telegram to Forsyth from Fourie, 4 May 1959, BTS 1/18/1/4, vol. 1, South African Foreign Affairs Archive, Pretoria.

American visa.⁵⁷¹ On April 15, Kozonguizi appealed directly to the Committee on South West Africa, requesting an oral hearing so that he could “put the case of the Herero People of South West Africa.”⁵⁷² When Kozonguizi left Namibia in February, he had a temporary passport that allowed him to travel to Ghana for missionary work that was set to expire at the end of April. His passport contained a rider that any request to renew the passport should be referred to the Union Department of the Interior. Since his passport did not allow him to travel to the US, when he asked for a renewal, the South African embassy in both Leopoldville and Accra denied him an extension. However, once he was in Accra he approached the US embassy and was eventually granted a visa to travel to the UN.⁵⁷³ Kozonguizi left the Union without travel documents, which was why he needed UN support to continue his journey from Accra.⁵⁷⁴ The UN granted Kozonguizi’s request for an audience on 20 April and by the end of the month he was in New York.

Kozonguizi spoke before the Committee on South West Africa on May 1. Unlike Scott and Kerina who claimed to represent individual groups in Namibia, Kozonguizi told the Committee that he

want[ed] to make it very clear that I am here today to speak for all the indigineous people of South West Africa, that is, those who are conscious of the deplorable and appalling conditions under which they live, as well as those so spiritually

⁵⁷¹ Letter from Scott to the Good Offices Committee, 13 April 1959, BTS 1/18/1/4, vol. 1, South African Foreign Affairs Archive, Pretoria.

⁵⁷² Letter from Kozonguizi to the Good Offices Committee, 15 April 1959, BTS 1/18/1/4, vol. 1, South African Foreign Affairs Archive, Pretoria.

⁵⁷³ Report on Fanuel P. (Jarietundu) Kozonguizi, 1959, BTS 1/18/1/4, vol. 1, South African Foreign Affairs Archive, Pretoria.

⁵⁷⁴ Memo on Kozonguizi, 5 May 1959, BTS 1/18/1/4, vol. 1, South African Foreign Affairs Archive, Pretoria.

enslaved under the demoralizing conditions that it has not been possible for them to realize what a morally anesthetized administration has done to them.⁵⁷⁵

Kozonguizi's work with ja Toivo to create a national party to oppose South African rule gave him the confidence to claim to speak for all Namibians. While he was authorized by Kutako to speak for the Herero, his opening statement before the Committee demonstrated the shift away from ethnic organizations into the beginning of national resistance.

Kozonguizi's speech before the United Nations was both an appeal for help and a warning. He told the Committee that the Namibian people led by Kutako held great faith in the United Nations, but in the thirteen years since its founding South Africa had extended its control of Namibia and that Namibians were growing tired of waiting for justice. While, Kutako, was patient and believed that the UN would eventually save Namibia from the South Africans, the younger generation was not as patient. Kozonguizi chastised the UN for acting quickly to solve the Suez Crisis and Hungarian uprising, but the organization seemed content to push the Namibian crisis down the road. He told the UN that Namibians were "not blind to the fact that all the issues in which the Union of South Africa is involved seem not to be taken with the same urgency as the others."⁵⁷⁶ The UN's willingness to negotiate with the South African administrations that built their society on apartheid was a lost cause because neither Malan, nor his successors Johannes Strijdom or Hendrik Verwoerd would give up apartheid. Africans whether they were in

⁵⁷⁵ Statement made by Mr. Fanuel Jariretundu Kozonguizi at the 102nd Meeting of the Committee on South West Africa, 1 May 1959, BTS 1/18/1/4, vol. 1, South African Foreign Affairs Archive, Pretoria.

⁵⁷⁶ Ibid.

Namibia or South Africa did not expect the Union “budge an inch,” and Kozonguizi called on the UN to abandon the false hope that the Union would change.⁵⁷⁷ He also warned the Committee that if the UN did not act then Namibians would find others who might help them. This was not an idle threat. In 1960, Kozonguizi traveled to Beijing to gauge Chinese support in driving the South Africans out of Namibia.

Kozonguizi also informed the UN that conditions within Namibia were deteriorating rapidly. Those who spoke out against the Union’s administration were arrested and harassed. Union officials also warned the Ovambo and the Herero not to petition the UN, because it had not accomplished anything, and would lead to trouble. Kozonguizi was particularly concerned with the case of ja Toivo. Ja Toivo had been expelled from Cape Town after writing to the UN and was arrested in Windhoek. He had been placed under virtual house arrest in Ovamboland, all for speaking the truth about conditions in the territory. Kozonguizi also described the forced removal of Namibians from the Hoachanas reserve. The police had violently expelled the people from the reserve and their leader the Rev. Markus Kooper had been removed from office. Kozonguizi was concerned that the events in Hoachanas would repeat themselves in Windhoek, where the South Africans wanted to move the native location outside of the city. These events demonstrated clearly to Kozonguizi that the situation was worsening and that the UN should immediately step in to stop the Union’s barbarity.⁵⁷⁸

⁵⁷⁷ Ibid.

⁵⁷⁸ Ibid.

Back in Windhoek, South West Africans were upset at Kozonguizi's portrayal of the situation in Namibia. *The Windhoek Advertiser* argued that Kozonguizi represented Kutako, and the South Africans had their representatives, but no one was representing the white population of South West Africa in "the 'war' which is raging at the moment about the future of the Mandate State."⁵⁷⁹ While, whites in Namibia overwhelmingly supported the South African position, many began to feel as if everyone else was overshadowing their views as the future of their country was being discussed on the international stage.

Following his speech the Committee on South West Africa debated what to do, but in the end decided that they would wait until Kozonguizi spoke before the Fourth Committee in June before taking action. Some within the Committee thought that as long as the GOC was trying to negotiate a settlement, then the Committee should not discuss conditions within South West Africa. In June Kozonguizi gave a more detailed description of conditions within the territory and still the UN wanted to wait and see how negotiations in the GOC were progressing. Kozonguizi decided not to renew his American visa, which expired at the end of July. He planned to return to the Union even if he faced imprisonment, to build up the nationalist front at home.⁵⁸⁰ Back in Namibia the Herero Chief's Council moved to create SWANU with Kozonguizi and ja Toivo away from Windhoek, they formally created the organization in August of 1959. SWANU was collaboration between the Ovomboland People's Organization,

⁵⁷⁹ "Herero Student – A Bitter Man Now Talking in New York," 5 May 1959, *The Windhoek Advertiser*, pg. 1.

⁵⁸⁰ Letter from Fourie to Forsyth, 3 June 1959, BTS 1/18/1, vol. 3, NASA.

spearheaded by Sam Nujoma, Kozonguizi's organization SAPA, the Herero Chief's Council and other smaller groups around Namibia.⁵⁸¹ In September, Kozonguizi was elected the first president of SWANU and began to plan his return to the UN with all of Namibia behind him.

As Kozonguizi planned to travel home from the UN, the attention of the South Africans and South West Africans turned to Hans Beukes. Hans Beukes was a young man from Rehoboth who had received a scholarship to study in Norway. Beukes was studying at the University of Cape Town and was awarded a three-year scholarship to study at Oslo University by the National Union of Norwegian Students. Attending school in Cape Town, Beukes would have heard about the activism in his fellow South African and Namibian colleagues. Kozonguizi, ja Toivo, and others were meeting and forming the ideas that would lead to SWANU when Beukes arrived in Cape Town, but there is no evidence that Beukes worked with any of the nationalists while in school. Union officials issued Beukes a passport on June 15 allowing him to travel to Oslo, however as he tried to board his ship for Europe, his passport was revoked.⁵⁸²

Union officials claimed that his passport had been revoked because they had uncovered materials that indicated "Beukes had been associated with political activities deemed inimical to the interests of the State."⁵⁸³ What these activities consisted of was never clearly explained by the Union. Beukes father believed that his passport was

⁵⁸¹ Emmett, 297-298.

⁵⁸² Aide Memoire on Hans Beukes, 29 July 1959, BTS 1/18/11/6, vol. 1, NASA.

⁵⁸³ Ibid.

revoked because Jacobus Beukes had written to the UN criticizing the conditions within Rehoboth. Union officials put the two names together and assumed they were related. His father disagreed saying that, Jacobus Beukes was not directly related to the family and they had not criticized the Union. However, he agreed with what the letters sent from Rehoboth to the UN stated. In a letter to *The Windhoek Advertiser*, Beukes wrote that “Can anybody who writes letters be right and left today be blamed? Or is it not right for a non-European who lives in a democratic country to feel hurt if he has been hurt?”⁵⁸⁴ All evidence points to Hans Beukes activism beginning after his hopes for an education in Norway were dashed.

Allard Lowenstein, an American activist who toured South Africa and Namibia in 1959 to expose the horrors of apartheid, arrived in Cape Town shortly after Beukes passport was revoked. Lowenstein wrote about his findings in his book *Brutal Mandate: A Journey to South West Africa*. In *Brutal Mandate* he recounted meeting Beukes the day after he became famous for his passports revocation. The story of Beukes immediately appeared in newspapers throughout South Africa, as the Union argued that like Kerina before him Beukes was only using his studies to work against South African interest. Lowenstein disagreed. He said that Beukes was “a depressed and disorganized young man, too shattered to plan, too frightened to fight back. He had no money and no idea

⁵⁸⁴ “Father of Hans Beukes Writes About Democracy,” 7 July 1959, *The Windhoek Advertiser*, pg. 1.

where he could get any to continue his education.”⁵⁸⁵ Beukes reportedly told Lowenstein that he “was always so careful,” and “did nothing they could object to—*nothing*.”⁵⁸⁶

Lowenstein claimed that Beukes did not have any interest in appealing to the UN, because he did not think that his issue was big enough to trouble the UN. Lowenstein informed Beukes that as a Namibian, his case was special and he should consider protesting to the UN. Beukes cabled the UN. He then approached Lowenstein about traveling to the UN arguing that if his letter could make an impact, then so could his presence. The seizing of his passport and stalling of his future radicalized Beukes and gave him the determination to fight the apartheid state. He requested Lowenstein’s help in traveling to the UN, because he did not know whom else he could turn too. Beukes began speaking out against the South African government to student organizations in Cape Town and ratcheted up the pressure against him. By early July, the Beukes Affair had taken over the newspapers as protestors gathered and raised funds for him to continue his studies. The Committee on South West Africa responded to Beukes and requested his presence on July 31. The seizure of Hans Beukes passport galvanized opposition to the South Africans in Cape Town and gave activists around the world a symbol to hold on too.⁵⁸⁷

Beukes and Lowenstein then planned his escape from South Africa. Since he would be traveling without documents Beukes had to smuggle himself out of the Union.

⁵⁸⁵ Allard Lowenstein, *Brutal Mandate: A Journey to South West Africa*, (New York: The Macmillan Company, 1962), 46.

⁵⁸⁶ Ibid, 46.

⁵⁸⁷ Ibid, 47-48.

Botswana felt like the safest landing point and Lowenstein along with his colleagues, Sherman Bull and Emory Bundy, and Beukes loaded up their Volkswagen and began the journey north from Pretoria. Beukes hid in the back under their luggage for the majority of the trip to avoid being recognized and they drove into Botswana. Arriving in Botswana was only the first step; Beukes had to find a way to New York. Lowenstein, Bull, and Bundy dropped Beukes off at Sereste Khama's house and headed back to Pretoria to plan their trip to Namibia.⁵⁸⁸ Hans Beukes found himself in Botswana without a concrete plan to make it the rest of the way to New York. He arrived in Botswana around July 12.⁵⁸⁹ *The Windhoek Advertiser* weeks after Beukes had arrived in Botswana was trying to find out where he had gone. Beukes stopped attending classes the moment he heard the UN would hear his petition and no one had seen him for weeks.⁵⁹⁰⁵⁹¹

Beukes tried to cross into Rhodesia at the Plumtree railway station, but was turned away because he did not possess travel documents.⁵⁹² Union citizens were legally allowed to travel into Botswana without passports, but could only enter Namibia or the Union from there. Travel into the Central African Federation, also known as the Federation of Rhodesia and Nyasaland, was prohibited. With the help of Sereste Khama, the leading African in Botswana, Beukes was able to eventually cross the border and arrive in

⁵⁸⁸ Ibid, 49-63

⁵⁸⁹ H.L.M. Oxley, Memo on Beukes, 19 August 1959, DO 35/10616, National Archives of the United Kingdom.

⁵⁹⁰ SAPA-Reuters, "Beukes Due in New York Tomorrow but Has Not Arrived," 30 July 1959, *The Windhoek Advertiser*, pg. 1.

⁵⁹¹ SAPA-Reuters, "Beukes Due in New York Tomorrow but Has Not Arrived," 30 July 1959, *The Windhoek Advertiser*, pg. 1.

⁵⁹² Memo on Hans Johannes Beukes, 31 October 1959, BTS 1/18/11/16, vol. 1, NASA.

Salisbury, the capital of Rhodesia. His arrival in Salisbury caused an international uproar. Papers in South West Africa, South Africa, and around the world had followed his travels and by the middle of August, Beukes was still one of the top news stories in the Union.⁵⁹³ An article in the *Rand Daily Mail* speculated on his location as he had disappeared from Botswana, but had not yet arrived in the Federation.⁵⁹⁴

Khama, Beukes, the United Nations, and Michael Scott pressured the British government to allow Beukes to travel through the Federation and London on his way to New York. Beukes' presence in Salisbury put Federation and British officials in a precarious position. The relationship between South Africa and the United Kingdom had been deteriorating for years and British officials wanted to keep South Africa within the Commonwealth and the western orbit in general. Hans Beukes' presence within the Federation threatened this relationship. The Central African Federation was nominally independent, but the United Kingdom remained in charge of the Federation's foreign policy. Africans within the Federation were also becoming increasingly active in demanding an end to white rule and to be granted independence which guaranteed majority rule. British officials had to decide whether to honor the wishes of the United Nations and allow Beukes passage or to send him back to South Africa as the Union

⁵⁹³ SAPA-Reuters, "Hans Beukes Stopped at Rhodesian Border," 14 August 1959, *The Windhoek Advertiser*, pg. 1.

⁵⁹⁴ Correspondent, "No One Knows Where Beukes is," 11 August 1959, BTS 1/18/11/6, vol. 1, NASA.

demanded. One British official described it as a “very awkward situation” that needed to be solved as quickly as possible.⁵⁹⁵

The British decided that they should help Beukes because the consequences of not facilitating his travel were worse than facing “the wrath of the South Africans.”⁵⁹⁶ The Dominions Office was concerned that if it came out that they prevented Beukes from traveling through the Federation the UK position at the UN would be imperiled. L.E.T. Storer believed that the best-case scenario was that the GOC’s work would fail because the UK was the chairperson of the Committee and at worst a resolution condemning the British for working against the wishes of the UN could be passed.⁵⁹⁷ British policy rested on the idea that even though they did not believe Beukes was an authorized representative for Namibia, holding up his passage was not worth angering the Fourth Committee.⁵⁹⁸

Storer’s position that the UK should help Beukes travel into and through the Federation from Bechuanaland, was questioned by many within the British government. Some believed that the British should only help people who clearly were UK citizens, which Beukes was not, and that allowing Beukes through could set a dangerous

⁵⁹⁵ W.A.W. Clark, Memo on Beukes sent to Selwyn Lloyd, 14 August 1959, DO 35/10616, National Archives of the United Kingdom.

⁵⁹⁶ L.E.T. Storar, Memo on Beukes sent to W.A.W. Clark, 14 August 1959, DO 35/10616, National Archives of the United Kingdom.

⁵⁹⁷ L.E.T. Storar, Memo on Beukes sent to W.A.W. Clark, 14 August 1959, DO 35/10616, National Archives of the United Kingdom.

⁵⁹⁸ L.E.T. Storar, Memo on Beukes sent to W.A.W. Clark, 14 August 1959, DO 35/10616, National Archives of the United Kingdom.

precedent.⁵⁹⁹ W.A.W. Clark wrote to the Secretary of State Selwyn Lloyd, recommending that if Beukes could produce an invitation from the United Nations then the British should recommend that the Federation allow him to travel to New York. The problems within the UN would not be worth holding him up.⁶⁰⁰

H.L.M. Oxley was concerned that no matter what the British decided, the South Africans might issue an arrest warrant under the Departure from the Union Regulation Act of 1955, which stated that no one could leave the Union unless they were going to one of the protectorates without a passport. Since Beukes had entered the Federation of Rhodesia and Nyasaland, he had broken this law. Oxley said if a warrant was issued for his arrest the UK might be obligated to extradite him back to the Union; however, they could allow Beukes to appeal the decision and it might take care of itself. He also wrote that the UK High Court would be hard pressed to find an excuse not to send Beukes back if formally requested by the Union Government.⁶⁰¹ British officials were also concerned that Beukes might request asylum. Sir Samuel Hoare, of the Home Office, informed Storar “we would not be in breach of any of our international obligations, moral or obligatory, in refusing Mr. Beukes political asylum. The U.N. Universal Declaration of Human Rights (which is only morally binding in any case) recognises the right to seek and enjoy asylum, but was carefully drafted to omit the right to obtain asylum – not, of

⁵⁹⁹ Unknown Author, Memo on Beukes sent to Sir Charles Dixon, 14 August 1959, DO 35/10616, National Archives of the United Kingdom. (Signature illegible)

⁶⁰⁰ W.A.W. Clark, Memo on Beukes sent to Selwyn Lloyd, 14 August 1959, DO 35/10616, National Archives of the United Kingdom.

⁶⁰¹ H.L.M. Oxley, Memo on Beukes sent to L.E.T. Storar, 17 August 1959, DO 35/10616, National Archives of the United Kingdom.

course, that his will deter the anti-Colonials from using it against us in the U.N. if the point arises!”⁶⁰²

While the British were deciding how to proceed, Louw was putting pressure on the British to “prevent Beukes’ onward passage” out of Botswana, because his actions clearly demonstrated that he always planned on going to the UN not to Norway to study. Louw continually used Beukes letters to the UN, after his passport was revoked, as evidence that the South Africans were justified in preventing his travel to Norway. Sir Jon Maud, the UK High Commissioner, explained to Louw that the British were not willing to alienate the UN by preventing Beukes from traveling, especially since he had already left Botswana and made it to Salisbury. Maud explained that if Beukes was sent back to South Africa, the British who would shoulder the blame, not the South Africans. One union official informed the British that in light of the already deteriorating relationship between the Crown and the Union that they British should not do anything else to weaken their connection.⁶⁰³ Union officials also discussed trying to extradite Beukes from the Federation, but ultimately decided that it would not come to anything as the British were too afraid of the UN to accept extradition.

Union officials also approached the Americans in an attempt to stop Beukes from traveling to New York. The Americans informed the Union that “Because of their site agreement with the United Nations it was most difficult to withhold visas. They could

⁶⁰² L.E.T. Storar, Memo on Beukes sent to W.A.W. Clark, 12 August 1959, DO 35/10616, National Archives of the United Kingdom.

⁶⁰³ Aide-Mémoire, 1 September 1959, BTS 1/18/11/6, vol. 1, NASA.

confine people to parts of Manhattan in the case of known communists. They could be stricter if the person concerned planned to overthrow the United States Government.

The fact that the person had no valid travel document was not a material one. The main thing was that the person should be able to identify himself to the satisfaction of the visa officer. The visa was issued as a separate piece of paper and did not have to be attached to a passport.”⁶⁰⁴ The US wanted to make sure that if Beukes was prevented from traveling to the UN it would be on the UK or Federation, because they had issued the proper travel documents. Neither the American nor the British were willing to allow themselves to be blamed for not granting the wishes of the Fourth Committee.⁶⁰⁵ Beukes had applied for a US Visa and since the UN requested his presence, the US was obligated to grant one. The British were excited about this turn of events because it let them off the hook. Even without a passport, the US Visa would allow him to cross through the Federation and through London on route to the US, without the British having to make an active stand one way or the other.⁶⁰⁶

Hendrik Verwoerd, the Prime Minister of South Africa, informed Maud that allowing Beukes to travel through British territory was a violation of Union sovereignty. Union officials believed that allowing Beukes to travel through the Federation was problematic because, “the authority of the State was being undermined, how subversive action in the Union could be promoted by assisting agitators, Communist and fugitive

⁶⁰⁴ Confidential File on Beukes, 2 September 1959, BTS 1/18/11/6, vol. 1, NASA.

⁶⁰⁵ Ibid.

⁶⁰⁶ R.H. Belcher, Memo on Beukes sent to Hunt, 4 September 1959, DO 35/10616, National Archives of the United Kingdom.

offenders to escape ‘the authority of the Union Government’ and to find their way to the United Nations, which was gradually becoming a refuge for such persons.”⁶⁰⁷ Verwoerd and Louw were concerned that by allowing Beukes to cross through the Federation, a pipeline of Africans would be established and attack the Union abroad. Union and Federation officials discussed arresting and extraditing Beukes back to the Union, but Federation officials said they would be unable to do so as the British said to let him pass through.⁶⁰⁸

On September 1, Beukes was given permission to travel to London and he arrived on the ninth. Lowenstein sent \$600 to help facilitate his travel onwards from London. While in London, Beukes met up with Michael Scott and hosted press conferences and speeches to tell his story to the British public. A couple of days later, Beukes and Scott traveled to Oslo to thank the students who had supported him throughout his struggle.⁶⁰⁹ The Norwegian Students Union had held protests against the South Africans ever since Beukes passport had been revoked.⁶¹⁰ Beukes addressed a crowd of Norwegian students and according to one South African official he received a “hero’s welcome.”⁶¹¹ The South African Charge d’Affairs in Stockholm wrote that while in Oslo Scott and Beukes “succeeded in the space of only a few days, in doing us an unprecedented amount of

⁶⁰⁷ Aide-Mémoire, 5 September 1959, BTS 1/18/11/6, vol. 1, NASA.

⁶⁰⁸ Aide-Mémoire, 6 September 1959, BTS 1/18/11/6, vol. 1, NASA.

⁶⁰⁹ Memo on Hans Johannes Beukes, 31 October 1959, BTS 1/18/11/16, vol. 1, NASA.

⁶¹⁰ Letter to R. Jones from South African Minister in Oslo, 6 July 1959, BTS 1/18/11/6, vol. 1, NASA.

⁶¹¹ Memo on Hans Johannes Beukes, 31 October 1959, BTS 1/18/11/16, vol. 1, NASA.

harm in Norway.”⁶¹² The Norwegian newspaper *Aktuell* Beukes as “probably the most soft-spoken, the least aggressive agitator, who has ever escaped from the hands of the Secret Police in South Africa, excited by racial politics. An unknown man with a golden coloured skin, who once secretly dreamed of taking a degree at a University: This is what 23 year old Hans Beukes from South West Africa was like – until a few months ago Now things have suddenly changed for Hans. These last weeks he has been headlines in the news over the whole world and is now preparing a report about his country for the United Nations . . . all on account of the colour of his skin combined with an unexpected bursary from the University of Oslo.”⁶¹³

Beukes left Oslo on September 13 and headed to New York to address the United Nations. In New York, Beukes addressed the Fourth Committee and told the story of his trials and tribulations. Most of what he said reaffirmed what Kerina, Kozonguizi, and Scott had been saying with a new twist on how the Union wanted to prevent Africans from gaining access to education. The apartheid state was wantonly harming the African population. In reference to his passport being revoked Beukes told the UN “I was not disappointed for seeing my hopes smashed. One does not feel disappointed when one is bitten by a dog. I don’t think the nations here who recognize our claims to the rights of human beings in our home country, will be insensitive to the injustices done to us.”⁶¹⁴ By

⁶¹² Letter to R. Jones from Malone, 17 September 1959, BTS 1/18/11/6, vol. 1, NASA.

⁶¹³ “The South African Student: He Escaped to Freedom,” *Aktuell*, 19 September 1959, BTS 1/18/11/6, vol. 1, NASA.

⁶¹⁴ SAPA, “Hans Beukes at UNO Talks About Rehoboth,” 14 October 1959, *The Windhoek Advertiser*, pg. 1.

the time that he arrived in New York, Beukes fame had propelled him to be the representative of the Rehoboth community at the United Nations, regardless of the positions taken by the South African government.⁶¹⁵

After Beukes arrived in New York, Maud reassured the South Africans that the UK did not see a similar situation as Beukes arising and that the Federation would not be used as a conduit for South Africans and Namibians to leave the Union.⁶¹⁶ British action with Beukes “was dictated by the virtual certainty of an outburst at the U.N. against ourselves (since Beukes went to Bechuanaland) and the Federation (who first stopped him at the border) if we held him up. There were very strong reasons for avoiding this, particularly as it was known an attempt would probably be made to debate Nyasaland during the General Assembly, which was likely to succeed if we exacerbated U.N. feeling over Beukes.”⁶¹⁷

Hans Beukes’ journey to the United Nations was remarkable not just for his perseverance in traveling the length of Africa and Europe in order to arrive in New York, but because of the diplomatic maneuvering that helped facilitate his journey. Kozonguizi, had managed to escape Namibia and South Africa and go to the United Nations, but he did so through Ghana, which had emerged as an early champion of Africans opposing apartheid. Beukes’ journey was illuminating because it demonstrated

⁶¹⁵ Johannes Beukes, “Letter to the Editor: Johannes Beukes Again States his Case,” 6 October 1959, *The Windhoek Advertiser*, pg. 5.

⁶¹⁶ Letter to Jooste from Maud, 19 October 1959, BTS 1/18/11/6, vol. 1, NASA

⁶¹⁷ Commonwealth Relations Office, Prime Minister’s Visit to Africa, The Union and the United Nations, 31 December 1959, DO 35/10616, National Archives of the United Kingdom.

how the United Nations could influence government policy. Union officials viewed the British decision to allow Beukes to travel through the Federation of Rhodesia and Nyasaland as a direct attack on South African sovereignty. The British weighed the pros and cons of angering the Union or the United Nations and decided that UN support was more important than their relationship with South Africa. The power of the Fourth Committee directly influenced British policy and even though many officials did not want to allow Beukes to pass through the Federation, it was not worth the consequences to prevent him from doing so. The Americans were also in a bind. Even if they had wanted to refuse Beukes a visa, as in the case of Scott a decade before or Kozonguizi, the State Department was required to grant a visa to anyone the UN requested to hear. If someone was traveling to the United Nations passports and other travel documents were not necessary, and South Africa's refusal to grant passports to Namibians or South Africans was no longer effective in preventing Africans from traveling to the United Nations. The UN by the early 1970s would fully rectify this problem by granting Namibians passports, which allowed them to travel throughout the world, without permission from either the authorities in Windhoek or Pretoria.

Following Beukes' address at the United Nations, Louw argued that the Fourth Committee did not have the right to hear petitions, even if it was the heir to the League, because the mandates commission only heard petitions under extraordinary circumstances. In front of the Fourth Committee, Louw criticized Scott, Kerina, Kozonguizi, and Beukes. He said Scott was not a legitimate representative of the Herero

and if anyone had read his memoir then they would know that he was not a reliable source. He also claimed that Kerina was an agitator who had not fled South West Africa but had been given a student passport which had been renewed several times, and his testimony was full of lies and exaggerations.⁶¹⁸ *The Windhoek Advertiser* was also mildly obsessed with Kerina. In one instance they wrote that “The typical half-truths accepted by some UNO committees from people like Getzen and Kozonguizi, even after the “*Advertiser*” exposure of the Gtezen lies, can lead in only one direction-S.W.A. will eventually start considering the whole United Nations Organization as a farce. In many respects it already is.”⁶¹⁹ Every time he spoke before the United Nations, the newspaper fact checked and attempted to discredit his testimony. Louw also attacked Kozonguizi arguing that he had left the country on forged documents and did not represent anyone. Louw was either unaware or purposefully ignored the growing organization of Namibians within Namibia, that Kozonguizi was spearheading with Ja Toivo. Louw saved Beukes for last arguing that he was a left wing radical whose passport was only revoked after it was found out that he was not traveling to study, but to attack South Africa at the UN. Louw claimed that Beukes did not represent the Rehoboth Community and that he should not be trusted. The South Africans had become convinced that Michael Scott had organized an international conspiracy designed to discredit and isolate South Africa. Louw argued that Lowenstein and Beukes were clear evidence of the strength of this

⁶¹⁸ UN, Official Records of the Fourth Committee, 884th meeting, 24 September 1959, pg. 9-12, Louw Papers, vol. 120, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

⁶¹⁹ “Is UNO Becoming a Farce,” 13 October 1959, *The Windhoek Advertiser*, pg. 2.

conspiracy.⁶²⁰ While Scott had been working with people like Goerge House of the American Committee on Africa, Kerina, Kozonguizi, and others, Beukes' situation arose organically out of opposition to Apartheid and Lowenstein's presence gave him the option to flee South Africa. When Lowenstein testified at the Fourth Committee about conditions within Namibia, Louw used this moment to reinforce his conspiracy theory about Scott. He said Lowenstein had lied and acquired a fraudulent visa to South Africa and that it could embarrass the US. Louw stated, "the South African Government had long suspected the existence of a network directed by the Reverend Michael Scott and certain organisations. It now had irrefutable proof that such a network existed and that Mr. Lowenstein was one of its agents."⁶²¹

Recognizing that attacking the petitioners was getting him nowhere Louw began to change tactics. In a speech to the UN, he avoided discussing the interference of the UN in South African affairs, but instead welcomed the new African states. He stated "I wish, as the representative of an African state, to convey to the newly independent African states the good wishes of the Union of South Africa for their progress and prosperity, and to assure them of our hearty co-operation in regard to matters of common concern." He also implied that the UN should recognize the efforts that the imperial powers made in opening up Africa to settlement and to "developing the natural resources . . . and raising the standard of living." Louw also highlighted the difference in

⁶²⁰ UN, Official Records of the Fourth Committee, 884th meeting, 24 September 1959, pg. 9-12, Louw Papers, vol. 120, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

⁶²¹ Extract from 884th Meeting of the Fourth Committee, 24 September 1959, Louw Papers, vol. 65, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

development between South Africa and the rest of the continent. This speech showed a different side to Louw. Rather than being belligerent and upset as in previous speeches he tried to demonstrate how South Africa had benefitted the African population of the region and that they were sincere in offering a helping hand to the rest of Africa.⁶²²

Louw continued this tactic at the Fourth Committee's meeting. He regretted the failures of the Good Offices Committee in 1958 and while he was pleased that it was reconstituted in 1959, it was so limited that he did not believe they could work together. He also pushed for partition if the inhabitants of South West Africa agreed to it. Louw also stated that as long as the issue was being discussed the Union would continue to rule in the spirit of the mandate as it had done since 1920.⁶²³ Louw's conciliatory actions would not last. The Fourth Committee, particularly the African nations, wanted to end South African rule in Namibia. Beginning in October and lasting throughout November, Namibians began to petition the UN to stop the South African's from forcibly relocating the African population from the Windhoek Township. Since 1954 the South African administration had began a plan to relocate the Namibain population away from the white urban center of Windhoek. They had begun building a township on the outskirts of Windhoek, which the Namibians in the Location named Katatura, which translates to "we have no dwelling place."⁶²⁴ Kutako, Witbooi, and Nujoma representing the Herero,

⁶²² Speech in UN by Louw, 28 September 1959, Louw Papers, vol. 65, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

⁶²³ Statement to Fourth Committee by Louw, Louw Papers, vol. 65, Archive for Contemporary Affairs, University of the Free State, Bloemfontein.

⁶²⁴ Wallace, 254.

Nama, and Ovambo sent many letters requesting that the UN step into stop the forced relocation of the Location.⁶²⁵⁶²⁶

Throughout November and December, the Namibian population began to organize within Windhoek in order to fight relocation. SWANU and OPO began a boycott of the municipal buildings within the Location, including the beer hall. Namibians purchased their beer from women in the Location rather than from the government authorized beer hall. The *Windhoek Advertiser* reported that on December 4 a SWANU protest almost erupted in violence when the South African police arrested four women.⁶²⁷ By early December, the government began cracking down on the illegal sale of beer in the location and hundreds of Namibian women began protest marches on December 8. Two days later a protest outside the beer hall erupted in violence. When the smoke cleared 11 Namibians were dead and dozens injured.⁶²⁸ The shooting of Namibians in Windhoek caused global repercussions as each side blamed each other for the disturbance. The Namibian population would refer to the night of December 10 as the Old Location Massacre and the South Africans referred to it as the Windhoek Riot.

Word of the massacre almost immediately reached the United Nations. The Fourth Committee had almost completed their discussions for 1959, but held an

⁶²⁵ Telegram to UN from Kutako, Witbooi, and Nujoma, 4 November 1959, DO 35/10615, National Archives of the United Kingdom.

⁶²⁶ Telegram to UN from Kutako, Witbooi, and Nujoma, 12 November 1959, DO 35/10615, National Archives of the United Kingdom.

⁶²⁷ "Natives March on Administration Building to Protest," 7 December 1959, *The Windhoek Advertiser*, pg. 1.

⁶²⁸ Wallace, 254. For a detailed examination of the events of December 10 see Milly Jafta et al. *An Investigation of the Shooting at the Old Location on 10 December 1959* and Bryan O'Linn's *Namibia: The Sacred Trust of Civilization*.

emergency session to hear Kozonguizi, Kerina, and Beukes discuss the attack. On December 11, Kozonguizi told the Fourth Committee “the forces of the South African Government are butchering my people.” He also said “This is the hour in which the United Nations has to take (sic) a decision. Either the decision will have to be for us or for the Union Government.” Kerina’s brother was one of those killed and he just thanked the Committee for being willing to hear them before they closed up for the year. Beukes said similar things as Kerina.⁶²⁹ None of the Namibian petitioners knew exactly what was going on in Windhoek and was simply asking the UN for help to protect their people from the South African government. The South African delegation walked out during Kozonguizi’s speech because they still did not recognize the rights of Namibians to petition.⁶³⁰

Louw took a different approach and claimed that the UN

by discussing and taking evidence on the South West Africa issue had made itself directly responsible for the disturbances on night of 10th December. News of riot had not surprised him; he had expected it. He had recently warned United Nations that agitation and incitement in South West Africa would lead to unrest. The incitement Mr. Louw said was done particularly by whites. He mentioned the three Americans who gave evidence before United Nations and also Getzen and Beukes.⁶³¹

⁶²⁹ U.N. Committee on South West Africa, 6th Session, “Statement made by petitioners before the Fourth Committee at its 1001st meeting on Friday, 11 December 1959, and referred the Fourth Committee to the Committee on South West Africa for its urgent consideration,” 15 December 1959, Conference Room Paper, DO 35/10615, National Archives of the United Kingdom.

⁶³⁰ SAPA, “Windhoek Disturbances Discussed in United Nations,” 14 December 1959, *The Windhoek Advertiser*, pg. 1.

⁶³¹ Telegram from Pretoria to UK Delegation, New York, 15 December 1959, DO 35/10615, National Archives of the United Kingdom.

Louw believed that the situation was the fault of the international community who consistently encouraged the Namibian population to work against South African rule and that no one could be surprised when this erupted in bloodshed.

The Windhoek Advertiser reported that the incident started because an 18 yr old Namibian attacked an old woman. When he was arrested, things spilled over. The police presence grew until the women started throwing stones at the police officers. The police fled to the municipal building and the crowd lit three cars on fire. Armored vehicles then arrived from the South African Defense Force. The defense force opened fire into the crowd. Kerina's brother, Bernad Gusche died at the hospital as a result. The end of the article is an attack on Kerina's credibility.⁶³² After speaking with people at home, Kozonguizi disagreed with this position. He reported that 50 police went into the Location to arrest those who were boycotting the Municipal Facilities including the beer hall and recreation hall. Thousands arrived to see what the police were doing in the location. Major Lombard ordered the people to disperse and Willy Kaukuetu told him that they were not doing anything wrong and did not have to leave. Some began to leave as they heard police talking about getting out their sten-guns. As the crowd dispersed, the police began to shoot randomly into the crowd. After the police, opened fire the crowd began throwing rocks at the police. The police fired for forty-five minutes and

⁶³² "10 Killed: 24 Injured in Windhoek Location," 11 December 1959, *The Windhoek Advertiser*, pg. 1.

fired over three hundred rounds, 11 were killed, and 32 seriously injured. The location was also put under martial law.⁶³³

The South African position was that the police were called into protect municipal buildings and only fired upon the crowd in self-defense. What exactly transpired will depend on which side one chooses to believe; however, the South Africans had been preparing for the possibility of violence for days. As one Namibian witness said “They knew, but we did not.”⁶³⁴ The South African Police were able to arrive heavily armed and ready to fight in minutes against an unarmed populace. The morning of December 11 would show a radically changed Namibia. What little trust that existed between the Namibian population and the South African government evaporated.⁶³⁵ The reactions of the United Nations and SWANU would also fracture the new nationalist movement in Namibia and end the hope many of the younger generation held in the United Nations.

African and Asian support for the Namibian people poured in. On December 17 the delegates from Ethiopia, Ghana, Guinea, Liberia, Libya, Morocco, Sudan, Tunisia, and the United Arab Republic sent a letter to Hammarskjöld stating that “The situation in South West Africa, therefore, cannot be but a matter of legitimate and urgent concern to the United Nations, especially as the territory of South West Africa has an international status. Moreover, the Government of the Union of South Africa’s repeated violations of

⁶³³ Letter from Jariretundu Kozonguizi to Committee on South West Africa, 15 December 1959, DO 35/10615, National Archives of the United Kingdom.

⁶³⁴ Gerson Vei, quoted in Milly Jafta et. al. *An Investigation of the Shooting at the Old Location on 10 December*, pg. 31

⁶³⁵ Ibid, 38-39.

its obligations under the Mandate, the Charter of the United Nations, and the Universal Declaration of Human Rights constitute a threat to peace and security in Africa.”⁶³⁶

The Committee on South West Africa met and demanded that “the Mandatory Power to desist from the use of force and not to enforce the removal of the residents of the Windhoek Location,” but little else.⁶³⁷ The Soviet delegate A. Sabolev wrote to Hammarskjöld that they supported the Committee for South West Africa’s decision of 21 December to demand a ceasing of the “mass transfer of the African population” of Namibia.⁶³⁸ The Commonwealth Relations Office described the discussion of the Old Location Massacre as being “raised in an atmosphere of some excitement in the closing hours of the United Nations General Assembly and has subsequently been considered by the United Nations South West Africa Committee.” Letters had been trickling into the UN since October protesting the force movement of the Location to Katutura. After the massacre the African states on the Fourth Committee wanted to refer the matter to the Security Council or hold a special General Assembly session, but these were both defeated. The British position was that the Union must provide more information over the territory in general and the Massacre in particular. They also believed that while the massacre was not a direct result of the move to Katutura the move was a definite factor in

⁶³⁶ Letter from Ato Haddis Alemayehou et. al to Dag Hammarskjöld, 17 December 1959, DO 35/10615, National Archives of the United Kingdom.

⁶³⁷ Committee on South West Africa, Draft Resolution Concerning the Windhoek Location, 21 December 1959, BTS 1/18/1, vol. 7, NASA.

⁶³⁸ Letter from A Sobolev to Hammarskjöld, 30 December 1959, BTS 1/18/1, vol. 7, NASA

the escalation.⁶³⁹ The Soviet Union and other “hot heads” wanted to refer the Old Location Massacre to the Security Council, but this was also unsuccessful.⁶⁴⁰ The UN merely condemned the action and by the 1960, session had proven that they were ineffectual in stopping South African aggression in Namibia.

Within Namibia, the Massacre split SWANU’s alliance between the OPO and the Herero Chief’s Council and the latter two split off and created SWAPO in 1960. Historian Tony Emmett argued that the split might have been avoided if Kozonguizi was not in New York and the head of the OPO Sam Nujoma had not been exiled from the territory. The leadership of SWANU within Namibia was unable to prevent the party from fracturing.⁶⁴¹ The nationalist movement of the 1960s revolve around SWAPO and SWANU fighting for legitimacy in the eyes of the international community with SWAPO eventually emerging as they main nationalist movement in Namibia.

One of SWAPO’s first official communications to the UN called on the UN to immediately place South West africa under a trusteeship agreement. They also detailed the events following the Old Location Massacre. They claimed that the Union brought in armored cars and arms to intimidate people to move to Katatura. After the UN passed a resolution prohibiting South Africa from removing people by force the Union turned to indirect methods to get Africans to relocate including: not giving work permits to those

⁶³⁹ Commonwealth Relations Office, “Prime Minister’s Visit to Africa, January 1960, The Union and the United Nations: South West Africa: The Windhoek Disturbances,” 31 December 1959, DO 35/10615, National Archives of the United Kingdom.

⁶⁴⁰ Letter from Fourie to Jooste, 5 January 1960, BTS 1/18/1, vol. 7, NASA.

⁶⁴¹ Emmett, 312.

not in Katatura, firing those who did not move, only giving passes to those willing to live in the new location and expelling those who refuse from the towns. Africans who did not move were also threatened by those who worked with the government. They also listed the poor educational opportunities, health care, police brutality and the extension of the pass laws.⁶⁴²

SWAPO's official history *To Be Born A Nation* says that the ineffectiveness of the United Nations convinced the party that they could not rely solely on the UN to save Namibia. By early 1960s, SWAPO began to send recruits from Namibia throughout Africa to begin military training in order to secure the freedom of Namibia.⁶⁴³ The failure of the UN also spurred Ethiopia and Liberia the two African members of the League of Nations to end South African occupation through the ICJ. Between 1960 and 1966, the ICJ discussed the legality of South African rule and eventually dismissed the case by arguing that neither Liberia nor Ethiopia had the right to bring the case to the court. The armed struggle for Namibia began almost immediately.

The year 1960 was a transformative year in the struggle for Namibia. Harold MacMillan's "Winds of Change" speech before the South African Parliament in February, the creation of the South West African People's Organization, the creation of the Republic of South Africa, and the case against South Africa filed by Ethiopia and Liberia at the ICJ transformed the nature of the debate and discussions. The declaration

⁶⁴² Letter to Secretary General of the UN from SWAPO, 28 June 1960, Scott Papers, Box 3, Rhodes House, Oxford.

⁶⁴³ 176

by Macmillan that the age of empires was past and South Africa's break with the British Empire, left South Africa virtually alone as it tried to hold on to its empire in Southern Africa. The UN continued to hear petitioners and discuss Namibia, but was in a holding pattern until the ICJ ruled on the status of the mandate and South Africa's occupation of the territory. SWAPO and SWANU moved their struggle from the UN and began an intensive campaign against each other as well as South Africa for the political soul of Namibia. The days of individuals such as Kutako, Scott, Kerina, and Beukes were over as truly national organizations began to speak for the people of Namibia. The groundwork laid between 1945 and 1960 by Namibian activists allowed SWAPO and SWANU to create truly global networks and helped isolate South Africa from the international community.

CONCLUSION

The creation of the United Nations in 1945 created a forum where Namibians and other colonized people could confront their rulers, in spite of the imperial powers plans to use the UN to maintain the status quo. Namibians and South Africans viewed the UN as an institution that could further their aims in Namibia. Hosea Kutako, the Paramount Chief of the Herero, believed the UN could be a savior that would prevent South Africa from annexing Namibia and eventually guarantee independence. Kutako's campaigns, through the Anglican cleric Michael Scott, prevented the Union of South Africa from annexing Namibia and set the stage for future international activism. Jan Smuts, the Prime Minister of the Union of South Africa until 1948, as the President of the General Assembly at the San Francisco Conference that created the UN believed that the UN, would strengthen older imperial ties and was unprepared for the backlash that met his proposal to incorporate Namibia. Since Namibia had been a League of Nations Mandate, the UN claimed a stake in its future. Namibia was the only mandate not to be placed under the authority of the Trusteeship Council and South Africa's defiance of UN resolutions and the international community's wishes isolated South Africa, long before apartheid became a global rallying cry. Smuts and Kutako's battles in the early 1940s set a precedent for Namibian nationalists to use the UN to challenge South African rule.

"A Global Struggle" examines the initial period of Namibian and South African action at the UN. The diplomatic struggle over Namibia can be broken into four periods. Between 1945 and 1960, Namibians created the channels they would use to reach and

work with the international community and the South Africans acted willing to negotiate with the UN in order to resolve the situation. The year 1960 was a key turning point in the struggle as the situation within Namibia, South Africa, and the international community changed. By 1960 two rival multiethnic nationalist organizations SWAPO and SWANU replaced Kutako's and others ethnic based protests. In 1960, South Africa broke formally broke away from the British Empire and declared itself a republic, alienating a key ally in the process. Great Britain was the only nation that consistently supported the Union, but after 1960 this support quickly dried up and South Africa's place as an international pariah was secure. The fight for empire also changed drastically in 1960 as British Prime Minister Harold MacMillian gave his "Winds of Change" speech in Cape Town, which publically acknowledged that imperialism was over in Africa. In the UN fifteen years of South African intransigence caused Ethiopia and Liberia to file suit against South Africa at the ICJ in hopes of declaring the South African occupation of Namibia illegal. Between 1960 and 1966 South Africa refused to discuss the Namibian issue in the UN until the ICJ ruled one way or the other, effectively taking the negotiations out of the UN.

The second period of the struggle over Namibia was between 1960 and 1974. Both South Africa and the Namibians used this period to consolidate their positions. South Africa increased their control of Namibia and both SWANU and SWAPO expanded their actions at the UN and sent representatives around the globe to gain support for their parties. SWAPO and SWANU worked together at first, but eventually

turned against each other in order to gain support from foreign powers. By 1968, SWAPO had won this battle and was declared by both the UN and Organization of African Unity (OAU) as the authentic voice of the Namibian people. The creation of the OAU during this period also helped Namibians by creating a voting bloc in the UN to work against the South African occupation, as well as supply financial and military aid to Namibians. The ICJ took six years to decide Ethiopia and Liberia's suit and in 1966 declared that they did not have the right to bring the case, effectively dismissing the suit. In response, the decision on August 26, 1966 SWAPO launched its armed struggle. The UN also promptly passed a resolution declaring that the mandate had lapsed and the South African occupation of Namibia illegal and the ICJ confirmed this resolution in 1971. At the opening session of the 1974 UN session, the General Assembly refused to accept the South African's credentials and effectively removed South Africa from the United Nations. Between Namibian activism and apartheid, South Africa angered the UN enough to be the only state, and an important founding member, to be removed from the UN.

From 1974-1978 the UN began to set up a Namibian administration in Zambia and the war between SWAPO and South Africa heated up as Cuban troops entered Angola and supported Namibian independence. The UN issued passports to Namibians as they traveled the globe attending conferences, receiving military and civil training, attending colleges and working towards an independent Namibia. South Africa withdrew from the international community and focused on securing its borders by clamping down

on nationalism in both Namibia and South Africa. The South Africans also continued to work behind the scenes with the US and Great Britain as both feared that the presence of Cuban troops in Southern Africa would tilt the region towards the Soviet Union. Globally the focus against South Africa had turned towards apartheid and Namibia's struggle was often pushed into the background. Namibian activists staged international conferences and workshops around the world to keep South Africa's occupation of their country in the spotlight.

Beginning in 1977, a Western Contact group consisting of the US, GB, and France tried to negotiate with the South Africans to resolve the situation. The UN passed Resolution 435, which demanded that South Africa leave Namibia, however the UN was ignored and the future of negotiations would happen outside the UN. SWAPO, with Cuban support, fought the South Africans until 1989 when a solution was finally negotiated. The Cubans agreed to leave Angola if the South Africans left Namibia. This deal was negotiated between Cuba, the US, and South Africa, but without the international support and the military campaign of the Namibians, the future of Namibia would not have been guaranteed. When examining the Namibian case it is easy to argue as Saunders and Gleijeses do that the presence of Cuban troops in Angola coupled with the end of the Cold War, not Namibian activism forced South Africa out of Namibia. However, that is only part of the story.

In 1945, South Africa was a respected member of the international community. Smuts was not only the President of the General Assembly at the San Francisco

Conference; he was instrumental in writing the preamble to the UN Charter. By 1950, South Africa was an international pariah. The US and Great Britain even when they wanted to support South Africa could only do so covertly. The attempt by the Union to incorporate Namibia, while denying the rights of non-whites in both the Union and Namibia isolated South Africa from the international community. Over a decade before the UN or international activists became concerned with apartheid, the Namibian issue had turned the international community against South Africa. Namibia became a rallying cry for the emerging Third World as well as a key issue in the early Cold War. By the time South Africa was willing to come to the negotiating table in 1989, international support had completely dried up. Both Reagan and Thatcher had covertly supported the South Africans in Angola, but because of the international condemnation, created by the Namibians, the British or Americans could not openly support the apartheid state. Namibians and their supporters were successful in not only eventually winning independence, but also in isolating South Africa from the global community. Namibians persevered for forty-five years against overwhelming odds. After rebellions against Germany and a few isolated rebellions against South Africans, Namibians knew that they could not militarily defeat South Africa, so they had to use another avenue. International organizations and diplomacy were the keys that would unlock their jail. Against all odds Namibians struggle to make their voices heard and were able to overcome South Africa's military and political might and win the battle for public opinion.

BIBLIOGRAPHY

Archives:

Amistad Research Center, Tulane University, New Orleans, Louisiana

Archive of South African Ministry of Foreign Affairs, Pretoria, South Africa

Basler Afrika Bibliographien, Basel, Switzerland

Center for Contemporary Affairs, University of the Free State, Bloemfontein, South Africa

Historical Papers, University of Witwatersrand, Johannesburg, South Africa

National Archives of Namibia, Windhoek, Namibia

National Archives of South Africa, Pretoria, Namibia

National Archives of United Kingdom, Kew Gardens, UK

Rhodes House Library, Oxford University, Oxford, UK

UN Archives, New York, New York

SWAPO Party Archives and Research Center, Windhoek, Namibia

Published Sources:

Adler, T. ed. *Perspectives of South Africa: A collection of working papers.*
Johannesburg: African Studies Institute, 1977.

Allison, Caroline. *It's Like Holding the Key to your own jail: Women in Namibia.*
Geneva: World Council of Churches, 1986.

- Anderson, Carol. *Eyes off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955*. Cambridge: Cambridge University Press, 2003.
- _____. "International Conscience, the Cold War, and Apartheid: The NAACP's Alliance with the Reverend Michael Scott for South West Africa's Liberation, 1946-1951." *Journal of World History*. Vol. 19, No. 3. September 2008, 297-325.
- Aydelotte, William Osgood. *Bismark and British Colonial Policy: The Problem of South West Africa, 1883-1885*. Philadelphia: University of Pennsylvania Press, 1937.
- Bender, Gerald, James Coleman and Richard Sklar. *African Crisis Areas and U.S. Foreign Policy*. Berkeley: University of California Press, 1985.
- Bhardwaj, K.K. *Namibia: Struggle for Independence*. New Delhi: ABC Publishing House, 1989.
- Bosco, David L. *Five to Rule them All: The UN Security Council and the Making of the Modern World*. New York: Oxford University Press, 2009.
- Borstelmann, Thomas. *Apartheid's Reluctant Uncle: The United States and Southern Africa in the Early Cold War*. New York: Oxford University Press, 1993.
- Bridgman, Jon. *The Revolt of the Hereros*. Berkeley: University of California Press, 1981.
- Bruwer, J.P. Van S., *South West Africa: The Disputed Land*. Cape Town: Nasionale Boekhandel, 1966.
- Burke, Roland. *Decolonization and the Evolution of International Human Rights*. Philadelphia: University of Pennsylvania Press, 2010.
- Calvert, Albert Frederick. *South West Africa During the German occupation, 1884-1914*. New York: Negro Universities Press, 1969.
- Carroll, Faye. *South West Africa & the United Nations*. Lexington: University of Kentucky Press, 1967.

- Carter, Gwendolen and Patrick O'Meara. *Southern Africa in Crisis*. Bloomington: Indiana University Press: 1977.
- _____. *Southern Africa: The Continuing Crisis*. Bloomington: Indiana University Press, 1979.
- Castro, Fidel. *Nothing Can Stop the Course of History*. New York: Pathfinder Press, 1986.
- Catholic Institute for International Relations. *Mines and Independence: A future for Namibia*. London: CIIR, 1983.
- Cliffe, L, et al., *The Transition to Independence in Namibia*. Boulder, CO: Lynne Rienner, 1994.
- Cockram, Gail-Maryse. *South West African Mandate*. Cape Town: Juta and Company Limited, 1976.
- Connelly, Matthew. *A Diplomatic Revolution: Algeria's Fight for Independence and the Origin of the Post-Cold War Era*. New York: Oxford University Press, 2002.
- Cooper, Allan D. *The Occupation of Namibia: Afrikanerdom's Attack on the British Empire*. New York: University Press of America, 1991.
- Craig, Dylan. "Screening the Border War, 1971-88." *Kleio* 36(2004): 28-46.
- Crocker, Chester A. *High Noon in Southern Africa: Making Peace in a Rough Neighborhood*. New York: W.W. Norton, 1992.
- _____. *U.S. Foreign Policy toward Namibia: February 21, 1985*. Washington, D.C.: US Department of State, 1985.
- Crowell, W. *The Evolution of South African Control over South West Africa (Namibia)*. St. John's University Ph.D. thesis, New York, 1975.
- Dale, Richard. "The Armed Forces as an Instrument of South African Policy in Namibia." *The Journal of Modern African Studies* 18, no. 1 (Mar., 1980): 57-71.
- _____. "A Comparative Reconsideration of the Namibian Bush War, 1966-1989." *Small Wars & Insurgencies* 18, no. 2 (2007): 196-215.

- Davies, J.E. *Constructive Engagement: Chester Crocker & American Policy in South Africa, Namibia and Angola, 1981-8*. Athens: Ohio University Press, 2007.
- De Braganca, A & Wallerstein, I. Eds. *The African Liberation Reader: Documents of the national liberation movements*. 3 volumes, London: Zed Press, 1982.
- De Waldt, F. *Native Uprising in South West Africa*. Salisbury: Documentary Publication, 1976.
- Deutschmann, David. *Changing the History of Africa: Angola and Namibia*. Melbourne: Australia, 1989.
- Dobbins, James. *The UN's Role in Nation-Building: From the Congo to Iraq*. Santa Monica: RAND Corp., 2005.
- Dobell, Lauren. *SWAPO's Struggle for Namibia, 1960-1991: War by Other Means*. Basel: P. Schlettwein, 1998.
- Drechlsler, Horst. *Let us Die Fighting*. Berlin: Akademi-Verlag, 1966.
- Dreyer, Ronald. *Namibia and Southern Africa: Regional Dynamics and Decolonization, 1945- 1990*. New York: Routledge, 1994.
- Dugard, John. *The South West Africa/Namibia Dispute: Documents and Scholarly Writings on the Controversy between South Africa and the United Nations*. Berkeley: University of California Press, 1973.
- Duignan, Peter and Lewis Gann. *South West Africa-Namibia*. New York: American African Affairs Association, 1978.
- El-Ayouty, Yassin. *The United Nations and Decolonization: The Role of Afro-Asia*. The Hague: Martinus Nijhoff, 1971.
- Ellis, J. *Education, repression and liberation: Namibia*. London: Catholic Institute for International Relations, 1984.
- Emmett, Tony. *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*. Basel: P. Schlettwein Publishing, 1999.
- Eriksen, Tore Linné, ed. *Norway and National Liberation in Southern Africa*. Uppsala: Nordic Institute of African Studies, 1999.

- Evans, Graham. "Walvis Bay: South Africa, Namibia and the Question of Sovereignty." *International Affairs* 66, no. 3 (Jul., 1990): 559-568.
- Everleigh, W. *South West Africa*. London: T. Fischer and Unwin, 1915.
- Ferreira, Eduardo de Sousa. *Portuguese Colonialism from South Africa to Europe: economic and Political Studies on the Portuguese Colonies, South Africa and Namibia*. Freiburg: Aktion Dritee Welt, 1972.
- First, Ruth. *South West Africa*. Harmondsworth: Penguin Books, 1963.
- Fraenkel, Peter. *The Namibians of South West Africa*. London: Minority Rights Group, 1978.
- Gerhart, B.M. *Black Power in South Africa: The evolution of an Ideology*. Berkeley: University of California Press, 1979.
- Gibson, R. *African Liberation Movements: Contemporary Struggles against White Minority Rule*. London: Oxford University Press, 1972.
- Gill, T.D. *South West Africa and the Sacred Trust, 1919-1972*. The Hague: Asser Instituut, 1984.
- Gleijeses, Piero. *Conflicting Missions: Havana, Washington, and Africa, 1959-1976*. Durham: The University of North Carolina Press, 2002.
- _____. "Cuba and The Independence of Namibia." *Cold War History* 7, no. 2 (2007): 285-303.
- Goldblatt, Israel. *History of South West Africa: From the Beginning of the Nineteenth Century*. Cape Town: Juta, 1971.
- Gordon, R.J. *Mines, masters and migrants: Life in a Namibian Compound*. Johannesburg: Ravan Press, 1977.
- Gorman, Robert F. *Great Debates at the United Nations: An Encyclopedia of Fifty Key Issues, 1945-2000*. Westport: Greenwood Press, 2001.

- Graham, A. *The Response of African societies in South West Africa to White Administration, 1915-1939*. School of Oriental and Africa Studies, London University, M.A. Thesis, 1971.
- Green, Reginald, et al. Eds. *Namibia: The Last Colony*. Essex: Longman, 1981
- Gross, S. "The United Nations, self determination and Namibian opinion," *Yale Law Journal*, 82, 3, 1973, 533-558.
- Groth, S. *The Wall of Silence, The Dark Days of the Liberation Struggle*. Wuppertal: Peter Hammer Verlag, 1995.
- Hall, Richard. *South-West Africa (Namibia): Proposals for Action*. London: Africa Bureau, 1970.
- Harlech-Jones, Brian. *A New Thing?: The Namibian Independence Process, 1989-1990*. Windhoek: EiN Publishing, 1997.
- Hayes, Patricia et al. *Namibia under South Africa Rule: Mobility & Containment, 1915-1946*. London: James Currey, 1998.
- Heinrich, Vedder. *South West Africa in Early times*. London: Oxford University Press, 1938.
- Heinze, Robert. "'Decolonizing the mind': Nationalism and Nation Building in Namibian and Zambian Radio." *Archiv fur Sozialgeschichte* 48 (2008): 295-315.
- Helberg, Carl. *Mission, Colonialism, and Liberation: the Lutheran Church in Namibia, 1840- 1966*. Stockholm: New Namibian Books, 1997.
- Herbstein, Denis and John Evenson. *The Devils are Among Us: The War for Namibia*. New Jersey: Zed Books Ltd., 1989.
- Hidayauallah, M. *The South-West Africa Case*. New York: Asia Pub. House, 1967. Hobsbawm, Eric and Terence Ranger. *The Invention of Tradition*. New York: Cambridge University Press, 1983.
- Hooper, Jim. *Beneath the Visiting Moon: Images of Combat in Southern Africa*. Lexington: Lexington Books, 1990.
- Horrell, M. *South West Africa*. Johannesburg: South African Institute of Race Relations, 1967.

- Hovet, Thomas. *Africa in the United Nations*. Evanston: Northwestern University Press, 1963.
- Hovey, Gail. *Namibia's Stolen Wealth: North American Investment and South African Occupation*. New York: Africa Fund, 1982.
- Howard, Lise Morje. "UN Peace Implementation in Namibia: The Causes of Success." *International Peacekeeping* 9, no. 1 (2002): 99-132.
- Hyam, Ronald. *Britain's Declining Empire: The Road to Decolonisation, 1918-1968*. Cambridge: Cambridge University Press, 2006.
- _____. *The Lion and the Springbok: Britain and South Africa since the Boer War*. New York: Cambridge University Press, 2007.
- _____. *The Failure of South African Expansion*. New York: Africana Publishing Corp., 1972.
- Hynning, J. "The Future of SWA: A Plebiscite," *American Journal of International Law*. Sept., 1971, 143-167.
- Imishue, R.W. *South West Africa: An International Problem*. London: Pall Mall Press, 1965.
- Innes, Duncan. "Imperialism and the National Struggle in Namibia." *Review of African Political Economy* 9 (May-Aug., 1977): 44-59.
- Iriye, Akira. *Global Community: The Role of International Organizations in the Making of the Contemporary World*. Berkeley: University of California Press, 2002.
- Irwin, Ryan. *The Gordian Knot: Apartheid and the Ummaking of the Liberal World Order*. New York: Oxford University Press, 2012.
- Jafta, Milly, et. al. *An Investigation of the Shooting at the Old Location on 10 December 1959*. Windhoek: Namibian History Trust, 1999.
- Jaster, Robert S. *South Africa in Namibia: The Botha Strategy*. Harvard: Centre for International Affairs, Harvard University, 1985.

- Joseph, Richard A. *Sate, Conflict, and Democracy in Africa*. Boulder: L. Rienner, 1999.
- Kaela, Laurent. *The Question of Namibia*. New York St. Martin's Press, 1996.
- Katjavivi, Peter H. *Church and Liberation in Namibia*. London: Pluto Press, 1989.
- _____. *A History of Resistance in Namibia*. London: James Currey Press, 1988.
- Kennedy, Paul. *The Parliament of Man: The Past, Present, and Future of the United Nations*. New York: Vintage Books, 2006.
- Kerina, Mburumba. *Namibia: the Making of a Nation*. New York: Books in Focus, 1981.
- Khalifa, Ahmad. *Adverse consequences for the Enjoyment of Human Rights of Political, Military Economic, and other forms of Assistance given to the Racist and Colonialist Regime of South Africa*. New York: United Nations, 1987.
- Kinnock, Glenys and Jenny Matthews. *Namibia: Birth of a Nation*. London: Quartet, 1990.
- König, Barbara. *Namibia, The Ravages of War: South Africa's onslaught on the Namibian People*. London: International Defence and Aid Fund for Southern Africa, 1983.
- Kreike, Emmanuel. *Re-Creating Eden: Land Use, Environment, and Society in Southern Angola and Northern Namibia*. Portsmouth: Heinemann, 2004.
- Landis, Elizabeth S. "American Obligations Towards Namibia." *A Journal of Opinion* 1 (Autumn, 1971): 15-18.
- Leach, Graham. *South Africa: No Easy Path to Peace*. Boston: Routledge, 1986.
- Lee, Christopher J. ed. *Making a World After Empire: The Bandung Moment and its Political Afterlives*. Athens: Ohio University Press, 2010.
- Leistner, G.M.E. and Pieter Esterhuysen. *Namibia/SWA Prospectus*. Pretoria: Africa Institute of South Africa, 1980.
- Leys, C. and J.S. Saul, eds. *Namibia's Liberation Struggle*. London: James Currey,

1995.

- Limb, Peter and Norman Etherington. *Grappling with the Beast: Indigenous Southern African Responses to Colonialism, 1840-1930*. Boston: Brill, 2010.
- Lohrmann, Ullrich. *Voices from Tanganyika: Great Britain, the United Nations and the Decolonization of a Trust Territory, 1946-1961*. New Brunswick: Transaction Publishers, 2007.
- Louis, Wm. Roger. *Great Britain and Germany's Lost Colonies, 1914-1919*. Oxford: Clarendon Press, 1967.
- Louis, Wm. Roger and Prosser Gifford, eds. *The Transfer of Power in Africa: Decolonization, 1940-1960*. New Haven: Yale University Press, 1982.
- Lowenstein: *Brutal Mandate: A Journey to South West Africa*. New York: Macmillan, 1962.
- Lucas, G.H.G. *The Marketing of the International Image of South Africa*. Pretoria: University of South Africa, 1978.
- Malone, David. *The UN Security Council: From the Cold War to the 21st Century*. Boulder: Lynne Rienner, 2004.
- Manning, Peter. "Namibia's Independence: What has Happened to UN Resolution 435?" *Review of African Political Economy* 44, (1989): 63-72.
- Mazower, Mark. *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*. Princeton: Princeton University Press, 2006.
- Mbuende, Kaire. *Namibia: The Broken Shield. Anatomy of Imperialism and Revolution*. Lund: Liber, 1986.
- Meisler, Stanley. *United nations: A History*. New York: Grove Press, 1995.
- Moleah, Alfred. *Namibia the Struggle for Liberation*. Wilmington: Disa Press, 1983.
- Moorehead, Caroline. *Namibia: Apartheid's Forgotten Children: A Report for Oxfam*. Oxford: Oxfam, 1988.
- Namibia: A Nation is Born*. Washington, D.C.: U.S. Department of State, 1990.

- Norval, Morgan. *Death in the Desert: The Namibian Tragedy*. Washington, D.C.: Selous Foundation Press, 1989.
- Noyes, John K. *Colonial Space: Spatiality in the Discourse of German South West Africa, 1884-1915*. Philadelphia: Harwood Academic Publishers, 1992.
- Nujoma, Sam. *Where Others Wavered: My life in SWAPO and my participation in the liberation struggle of Namibia*. London: Panaf Books, 2001.
- Nyangoni, Wellington W. *Africa in the United Nations System*. Rutherford: Fairleigh Dickinson University Press, 1985.
- Obozuwa, A. Ukiomogbe. *The Namibian Question: Legal and Political Aspects*. Benin: Ethiope Pub. Corp. , 1973.
- Ohlson, Thomas, Stephen Stedman and Robert Davies. *The New is not yet Born: Conflict Resolution in Southern Africa*. Washington D.C.: The Brookings Institute: 1994.
- O'Linn, Bryan. *Namibia: The Sacred Trust of Civilization: Ideal and Reality*. Windhoek: Gamsberg Macmillan, 2003.
- O'Meara, Patrick. *African Independence: The First Twenty-Five Years*. Bloomington: Indiana University Press, 1985.
- Onslow, Sue, ed. *Cold War in Southern Africa: White power, black liberation*. New York: Routledge, 2009.
- Pendleton, W. *Katutura: A Place where we do not stay*. San Diego: San Diego University Press, 1974.
- Pienaar, S. *South Africa and the League of Nations 1929-1939*. University of Witwatersrand, D. Phil. Thesis, 1982 (unpublished).
- Plummer, Brenda Gayle. *Rising Wind: Black Americans and U.S. Foreign Affairs, 1935-1960*. Chapel Hill: University of North Carolina, 1996.
- Prashad, Vijay. *The Darker Nations: A People's History of the Third World*. New York: New Press, 2007.

Rhodie, Eschel. *South West: The Last Frontier in Africa*. New York: Twin Circle Publishing Co., Inc.,

Rocha, G.M. *In Search of Namibian Independence: The Limitations of the United Nations*. London: Westview Press, 1984.

Rotberg, Robert. *Suffer the Future: Policy Choices in Southern Africa*. Cambridge: Harvard University Press, 1980.

Saunders, Christopher. *Perspectives on Namibia: Past and Present*. Rondebosch: Centre for African Studies, University of Cape Town, 1983.

_____. "The Role of the United Nations in the Independence of Namibia." *History Compass* 5, no. 3, 737-744.

_____. "The Transitions from Apartheid to Democracy in Namibia and South Africa in the Context of Decolonization." *Journal of Colonialism and Colonial History* 1, no.1 (2001):

Saxena, Suresh Chandra. *Namibia, Challenge to the United Nations*. Delhi: Sundeep Prakashan, 1978.

Scheoman, Elna. *South West Africa/Namibia: An International Issue, 1920-1977: A Select Bibliography*. Johannesburg: South African Institute of International Affairs, 1978.

Schlesinger, Stephen C. *Act of Creation: The Founding of the United Nations*. Boulder: Westview Press, 2003.

Scott, Michael. *In Face of Fear: Documents relating to the appeal to the United Nations of the Herero and other South West African people against incorporation in the Union of South Africa and for the Restitution of their Tribal Lands*. Johannesburg: M. Scott, 1948

Scott, Michael. *A Time to Speak: The Personal Story of the Anglican Priest Who Forced the World to Hear an African People's Cry for Justice*. Garden City: Double Day & Company, 1958.

Seiler, J. eds. *Southern Africa since the Portuguese Coup*. Boulder: Westview Press, 1980.

- Shepherd, George W. "Breaking the Namibian Impasse." *Africa Today* 29, no. 1, (1st Qtr., 1982): 21-35.
- Sinham, A.W. and Shirley Hune. *Namibian Independence: A Global Responsibility*. Westport: Lauren Hill and Company, 1986.
- Slonim, Shlomo. *South West Africa and the United Nations: An International Mandate in Dispute*. Baltimore: Johns Hopkins University Press, 1973.
- Slonim, Solomon. *South West Africa and the United Nations: An International Mandate in Dispute*. Baltimore: The Johns Hopkins University Press, 1973.
- Smock, David. *Making War and Waging Peace : Foreign Intervention in Africa*. Washington, D.C.: U.S. Institute of Peace Press, 1993.
- Soggot, D. *Namibia: the Violent Heritage*. London: Rex Collings, 1986.
- South African Department of Information. *Ethiopia and Liberia Versus South Africa: An Official Account of The Contentious Proceedings on South West Africa before the International Court of Justice at the Hague 1960-1966*. Pretoria: Government Printer.
- South West Africa People's Organisation. "Namibia: People's Resistance, 1670-1970." *Race and Class*. 22, 1, 1980, 23-46.
- Sparks, Donald. *Namibia: The Nation after Independence*. Boulder: Westview Press, 1992.
- Steward, A. *The Sacred Trust*. Johannesburg: Da Gama Publications Ltd., 1963
- SWAPO. Department of Information and Publicity. *To Be Born a Nation: The Liberation Struggle for Namibia*. London: Zed Press, 1981.
- Tan, See Seng and Amitav Acharya, eds. *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for International Order*. Singapore: NUS Press, 2008.
- The Indian Society of International Law. *The Question of South-West Africa: Documents and Comments*. New Delhi: The Indian Society of International Law, 1966.
- Thompson, Leonard. *A History of South Africa*. New Haven: Yale University Press,

2000.

Tötemeyer, Gerhard. *Namibia Old and New: Traditional and Modern Leaders in Ovamboland*. London: C. Hurst, 1978.

_____. *South West Africa/Namibia: Facts, Attitudes, Assessments, and Prospects*. Randburg: Fokus Suid Publishers, 1977.

Tsokodayi, C.J. *Namibia's Independence Struggle: The Role of the United Nations*. Bloomington: Xlibris, 2011.

_____. "Namibia and Hostage Politics: The Convergence of United States and South African Policies under Constructive Engagement." *Journal of Peace, Conflict and Military Studies*. Vol. 1, n. 2 (2000), 85-103.

Udogu, E Ike. *Liberating Namibia: The Long Diplomatic Struggle between the United Nations and South Africa*. Jefferson, North Carolina: MacFarland and Company Publishers, 2012.

United Nations. *The Blue Helmets: A Review of United Nations Peace-Keeping*. New York: United Nations Department of Public Information, 1999.

_____. *A Trust Betrayed: Namibia*. New York: United Nations Publications, 1974.

United Nations Children's Fund. *Children on the front line: The impact of Apartheid, Destabilization and Warfare on Children in Southern and South Africa*. New York: United Nations Children's Fund, 1989.

UNTAG. *UNTAG in Namibia*. Windhoek: UNTAG, 1990.

Van Wyk, Jacques Theodore. *The United Nations, South West Africa and the Law*. Cape Town: University of Cape Town, 1968.

Vedder, Heinrich. *South West Africa in Early Times*. New York: Barnes & Noble, 1966.

Vergau, Hans-Joachim. *Negotiating the Freedom Of Namibia: The diplomatic achievement of the Western Contact Group*. Basel: Basler Afrika Bibliographien, 2010.

- Vigne, Randolph. *A Dwelling Place of Our Own: The Story of the Namibian Nation*. London: International Defence and Aid Fund, 1975.
- Vivienne, Jabri. *Mediating Conflict: Decision-Making and Western Intervention in Namibia*. New York: Manchester University Press, 1990.
- Voeltz, Richard Andrew. *German Colonialism and the South West Africa Company, 1884-1914*. Athens: Ohio University, 1988.
- Von Konrat, Georg. *Passport to Truth: Inside South West Africa: An Astounding Story of Oppression*. New York: W.H. Allen, 1972.
- Wallace, Marion with John Kinahan. *A History of Namibia: From the Beginning to 1990*. London: Hurst and Company, 2011.
- Warner, Phillip. *Disputed Territories*. Hove: Wayland, 1983.
- Weisburd, A. Mark. *Use of Force: The Practice of States since World War II*. University Park: Pennsylvania State University Press, 1997.
- Welch, Claude Emerson. *Protecting Human Rights in Africa: Roles and Strategies of Non-Governmental Organizations*. Philadelphia: University of Pennsylvania Press, 1995.
- Wellington, John H. *South West Africa and its Human Issues*. Oxford: Clarendon, 1967.
- Westad, Odd Arne. *The Global Cold War*. New York: Cambridge University Press, 2007.
- Wood, Brian, ed. *Namibia 1884-1984: Readings on Namibia's history and society*. London: Namibia Support Committee, 1988.
- Ya-Otto, J. *Battlefront Namibia*. London: Heinemann, 1982.
- Yates, Anne and Lewis Chester. *The Trouble Maker: Michael Scott and His Lonely Struggle against Injustice*. London: Aurum Press Limited, 2006.